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NEW YORK AND THE FEDERAL CONSTITUTION

IN the spring of 1783, when the temper of the British people foreshadowed an early acknowledgment by Parliament and the stubborn king of the independence of the United States, Congress set itself resolutely to work to bring into harmony the discordant legislation of the several States, and to consolidate the Union which had been organized in the tumult of war. This could only be effected by an increase of its own powers.

On the 18th April it recommended to the several States, as indispensably necessary to the restoration of the public credit, and to the punctual and honorable discharge of the public debt, that they should invest Congress with power to levy certain impost duties, providing, however, that the collectors of such duties, though appointed by the States, should be amenable to and removable by Congress alone. All the States except New York had in pursuance of the recommendation granted the imposts by acts vesting this power. So far from adopting this recommendation, the Legislature of New York on the 18th November, 1784, passed an act imposing duties on goods imported into her territory, which of course prevented the operation of the impost in the other States, which had granted the power conditionally on the general assent of all the States. Another act, providing for the acceptance of bills of credit for duties, promised further embarrassment even should New York come into the general arrangement. This want of harmony among the States was not only the source of embarrassment at home, but exposed the young nation to the contempt of foreign powers.

The country was in serious jeopardy. Even Washington, with all his firmness, despaired of the republic. In a letter to Jay he expressed his belief that "virtue had in a great degree taken its departure from the land, and considered the want of disposition to do justice to be the source of the national troubles." It is but just to Jay to say that he was not so

despairing; with religious reliance on Providence he replied that he "could not believe that such a variety of circumstances had combined almost miraculously to make us a nation for transient and unimportant purposes."

In our day the indifference of the States to the general welfare and their unwillingness to come into any regulation of commerce are with difficulty accounted for; but it must not be forgotten that each one of the original thirteen colonies had a seaport of its own. Each relied complacently on its own enterprise and power. Had there been a single State without a seaport, as the majority are to-day, the disadvantages under which it would labor would have prevented it from joining a confederacy which left it at the mercy of its neighbors. Various efforts were made to devise some means to correct these evils, the most important of which sprung from a Proposition of the General Assembly of Virginia of the 21st January, 1786, appointing commissioners to examine the relative situation and trade of the United States; to consider how far a uniform system in their commercial relations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act relative to the great object as when unanimously ratified by them would enable the United States in Congress assembled effectually to provide for the same.

A circular letter of invitation was sent to the States, and on the 11th September following commissioners presented themselves at Annapolis from five States, New York, New Jersey, Pennsylvania, Delaware and Virginia. Commissioners had been appointed from four other States, who did not attend, and four paid no attention to the request. New York was represented by Alexander Hamilton and Egbert Benson, who were appointed on 5th May, the last day of the session of the Legislature; the representation being partial and defective, the commissioners refrained from any recommendations, but advised the meeting of commissioners at Philadelphia on the second Monday in May, to take into consideration the situation of the United States, and to devise provisions to render the Constitution of the Federal Government adequate to the exigencies of the Union.

The insufficiency of the purposes aimed at by the Virginia propositions was apparent to many. In March, Jay informed Washington that an opinion was already beginning to prevail that a general convention for revising the Articles of Confederation would be expedient, and urged him, if the plan matured, were well concerted and took effect, to come out from his retirement and favor his country with his counsels.

Pending the uncertain meeting of the Annapolis convention, and harassed by the pressing demands of public creditors, Congress on the 11th August, 1786, appointed a committee to wait on the legislature of Pennsylvania, explain to them the embarrassed state of the public finances, and recommend the repeal of the clause in her act granting the impost, which suspended its operation till all the States had granted the supplementary funds, and the same day recommended to the Executive of the State of New York immediately to convene the legislature of the State to take into consideration the recommendation of April 18, 1783, for the purpose of granting the system of imposts to the United States.

At this period George Clinton was the Governor of New York; his influence commanding, and his popularity unbounded. Among the stalwart, vigorous characters of the revolutionary war, none was more marked than he; wielding the pen and sword by turns, his advice in the council chamber was as serviceable to his country as his excellent generalship and dashing courage in the field. In a word, he combined in his nature the impetuosity of the soldier with the judgment of the statesman. An officer in the French war, he later entered the law office of the celebrated William Smith, and practiced with success. In the Assembly of the Colony he was second to none in his opposition to the exactions of the ministry. He was a delegate from New York to the Continental Congress, but hastened home on the news of the invasion of his native State. He was one of the Convention which passed the first constitution of the State of New York, essentially the model of the national government under which we live, and he received a large majority of votes for the offices both of Governor and Lieutenant-Governor of the State over such candidates as Philip Schuyler, John Jay and Robert R. Livingston. A Brigadier-General in the Continental service at the time of his election, and active in the defence of the Highlands, he was with difficulty persuaded by repeated urgent calls of the convention to assume his executive duties. Among the graphic scenes of the revolution there is none which is warmed with more heroic color than that in which appears the majestic form of Clinton, clothed in the uniform of the service, and sword in hand, standing on the top of a barrel in front of the court-house in Kingston, swearing fealty to the new-born State, and pledging his strong arm to her defence.

Elected Governor for the fourth time in 1786 by a large majority, his consciousness of the approval of his constituents assuredly strengthened the independence of his opinion and the inflexibility of his pur-

pose. The architect of his own fortunes, he was devotedly attached to his native State. He recognized in her central position; in the division of the sea coast by the broad waters of the Hudson and the unrivalled bay at its mouth; in her extensive territory, reaching to the inland seas, which, as had been recently pointed out by the sagacious Colles in his proposal for an inland water communication to connect them with tide water, had "five times as much coast as all England, while the country watered by the numerous streams which fall into those lakes, was full seven times as great as that valuable island;" in the character of her population, in which were blended Holland thrift with English genius for commerce; in these he recognized physical and moral advantages which were daily attracting to her borders an enterprising immigration, and gave certain assurance of her early destiny as the Empire State of the American continent; and in these he also found strong argument for the preservation intact of its perfect autonomy. If these considerations had not sprung spontaneously to his observing mind, his instinct and experience as a soldier would have pointed to him the strategic importance of the New York territory; an importance which had cost it dear in the late struggle, when its capital lay prostrate in the hands of the enemy, and its fertile fields were swept over in the alternate ebb and flow of war, ravaged in turn by friend and foe; nor yet were his recollections of the conduct of the neighboring States such as to incline one of his peculiar temperament to favor any closer alliance with them than the existing Confederation; he remembered the sufferings of New York, when by the fortune of war her only seaport was closed to her own citizens, and the restraint then laid upon her trade by Connecticut, which forbade the passage of goods purchased in Massachusetts and Rhode Island, except on payment of an import tax, an injustice against which the Convention of the State had solemnly protested; and the forcible secession of the population of the Hampshire grants, with a large and valuable strip of New York territory, was a grief too recent to be forgotten.

To this jealousy for the welfare of the State he added a sincere devotion to popular rights. In the proposals for a stronger form of national government, he discerned on the part of some, at least, a determination to establish a landed or class aristocracy.

Such was the temper of the Governor, to whom the resolution of Congress of the 11th August was addressed, inviting the immediate convening of the legislature to consider the revenue system proposed in 1783. To this request Governor Clinton returned answer on the 16th of

the same month that he did not consider himself to *have the power* to convene the Legislature in extra session, as he did not think the occasion *extraordinary* within the meaning of the Constitution of the State.

The Assembly met in New York city on the second day of January following (1787), in the room over the Merchants' Exchange, at the foot of Broad street, but no quorum appeared until the 12th. The Senate met on the 13th, on which day the two houses waited upon the Governor, and received the usual opening address. This, as was customary, was referred in the Assembly to a committee composed of Samuel Jones of Queens, Alexander Hamilton of New York and James Gordon of Albany, with instructions to prepare an answer.

On the afternoon of the 16th a draft of an answer was reported, which Hamilton read in his place. The career of this distinguished man needs no further notice save in his connection with the formation of the Federal Constitution and its adoption by the State of New York. To this task he brought the untiring energies of a vigorous, alert nature, a keenness of perception combined with comprehensive judgment, a style incomparable for its lucidity, and a delivery deliberate and impassioned by turns as he addressed himself to the reason or feelings of his hearers. Common consent has accorded to him the fame of being the most remarkable intellectual product of American civilization; and certainly his rare powers of organization and administration entitle him to this distinction. While still in the service on the military staff of Washington, he had married a daughter of General Schuyler, chief of the family of that name, and possessor of a large landed property in the northern part of the State, where his influence was great. The relations of Hamilton with this aristocratic and powerful family no doubt tinged his political opinions, though he was not the man ever to permit his interests to control his judgment or the opinions of others to affect his convictions. The tendency of his mind was towards the consolidation and support of power. He had served with distinction in the Congress of 1782-3, but had withdrawn from public life, and devoted himself to the practice of his profession, of which, as his compeer, Gouverneur Morris, said of him, "he was the highest ornament." The dangerous condition into which the country had drifted called him again to public life. In his reply to the message of the Governor, he is found at once taking the leadership of the friends of the general Government. He had just completed his thirtieth year.

In this answer Mr. Hamilton was purposely silent in regard to that part of the address of the Governor, which explained his reasons

for not convening the legislature, in extra session, as requested by the Congress. This immediately aroused the friends of the Governor, and the Speaker, Mr. Varick, moved to amend by the addition of a distinct expression of approval. To this Mr. Hamilton replied, in a careful argument, explaining the reason for his silence to have been a desire to avoid discussion on the subject, but that while he regretted the first application of Congress to the Governor, he considered that the Governor had an *entire discretion* in the matter, which he should have exercised. The debate that followed took a wide range, covering the relations of the States to each other and to the Confederate Government. It was the first skirmish in the battle of opinion which was soon to be waged throughout the land. When the vote was taken the amendment was adopted; the Governor was sustained by a vote of 36 to 9. This has been claimed as a fair estimate of the relative forces of the respective parties in the Assembly, but those familiar with political bodies will readily recognize that in a conflict which involved the dignity of the Governor while not compromising that of the Congress, the Executive would naturally have the sympathy of the co-ordinate branches of the State Government.

At the same time the legislature was urged by a paragraph in the amended address, "with disposition truly federal, to take into consideration the different acts of the United States, and with an earnest solicitude for the national honor, credit, and welfare, cheerfully to make provisions which may seem competent to those great objects and compatible with the abilities and Constitution of the State." The word federal had not yet become the peculiar property of a single class of our citizens, nor were the anti-federalists as yet organized in political form. The candidates for elective positions were not yet party candidates, but were put forward by independent bodies, whose tickets often included the names of some of those of contrary opinion. In analysing the vote on the address the names of five of the members of the city of New York will be found, viz., Messrs. Hamilton, Robert C. Livingston, Nicholas Bayard, William Denning and David Brooks on the one, while General Malcolm, John Ray and Richard Varick, all revolutionary patriots, were on the other side.

On the 15th February the question of granting to the United States certain imposts and duties on foreign goods imported into the State of New York, for the purpose of discharging the debts contracted by the United States during the war with Great Britain, being taken up, *five per centum ad valorem* was agreed to by a vote of 29 to 28, but the Assembly

refused to make the collectors accountable to Congress or to authorize its appointees to collect the same under its own rules, regulations, penalties and forfeitures. It was on this occasion that Hamilton made his famous argument known as his speech on the impost. He addressed himself especially to the imperative necessity of passing the clause granting power to Congress to levy the duties. In this he clearly demonstrated that there was no constitutional impediment to such grant, and no danger to the public liberty. The speech is full of political maxims, clearly stated and happily applied. But the legislature, swayed by the Governor's influence, turned a deaf ear to his convincing argument.

On the 17th a joint resolution was introduced into the Assembly, instructing the delegates of the State in Congress to move for an act recommending to the States composing the Union that a Convention of Representatives from the said States respectively be held, and meet at a time and place to be mentioned in such recommendation, for the purpose of revising the Articles of Confederation and Perpetual Union between the United States of America, and reporting to the United States in Congress assembled and to the States respectively such alterations and amendments to the said Articles of Confederation as the representatives in such Convention shall judge proper and necessary to render them adequate to the preservation and support of the Union. This resolution was moved by General Malcolm; it was sent up to the Senate for concurrence on the 19th, but the consideration of the subject was postponed till the next day, when, in the words of the journal, "the resolution of the House was agreed to after considerable debate." It was carried by a single vote.

The proceedings of Congress must now be considered. This body met on the 17th January, 1787, and the credentials of the respective delegates were read, but it was not until the 2d February that a sufficient number of States were represented to form an organization, when General Arthur St. Clair was chosen President. The New York delegates had presented their credentials on the 30th January. On the 21st February, nine States being represented, the report of a grand committee, to which had been referred the letter of the 14th September, 1786, of the Commissioners from the States which met at Annapolis, was called up. This report was in the form of a resolution, recommending to the legislatures to send delegates to a Convention to be held at Philadelphia on the second Monday in May. This was the order of the day; which being read, the delegates from New York laid before Congress the instructions they had received from their legislature, and

moved a postponement of the report of the committee. On the question to postpone the ayes and naves were called by New York, and the motion was lost, Massachusetts, New York and Virginia voting in the affirmative; New Jersey, Pennsylvania, Delaware, Maryland, North Carolina and South Carolina in the negative; Connecticut and Georgia divided.

The difference between the report of the grand committee and the resolution of the New York legislature is not at once apparent. The spirit which actuated the movers of each must be studied. The Congressional committee assumed the inefficiency of the confederate government, and implied the necessity of a more consolidated Union. The instructions of the New York delegates recommended amendments only in the existing Articles of Confederation. The Massachusetts delegates harmonized the conflicting parties by limiting the powers of the proposed Convention, and on their motion a resolution was adopted without division to the effect "that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates, who shall have been appointed by the several States, be held at Philadelphia for the *sole and express* purpose of revising the Articles of Confederation, and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the federal Constitution adequate to the exigencies of Government and the preservation of the Union." In accordance with this resolution the legislatures of the several States appointed their respective delegates. That of New York, on the 6th March, by joint ballot, elected Robert Yates, Alexander Hamilton and John Lansing, Jr. These gentlemen represented the opposing opinions which prevailed in the State.

It was not until the 25th of June that a sufficient number of members appeared at Philadelphia to constitute a majority of the States. The Federal Convention organized on that day with the election of "His Excellency George Washington, Esq.," by unanimous ballot, as presiding officer. The same day Edward Randolph, one of the deputies of Virginia, laid before the House a series of resolutions, which are known as the Virginia plan, contemplating a correction and enlargement of the Articles of Confederation; and Charles Pinckney of South Carolina a draft of a Federal Government. The Virginia plan was discussed in committee of the whole, modified in many essential features, and reported back to the Convention. This was essentially the basis of the Constitution as finally adopted. On the other hand, Mr. Patterson,

of New Jersey, brought in a counter project under the title of Propositions, which was known as the New Jersey plan. This was the scheme of the State Rights Party. Later, Colonel Hamilton, who was not content with either, in the course of debate, introduced a plan of government of a thoroughly consolidate nature.

On the 29th July, the Virginia plan, altered and amended, was reported to the consideration of the whole House, and being again debated and further amended, was finally agreed to, and on the 22d and 25th July referred to a committee of detail for the purpose of reporting a Constitution. This committee of detail, consisting of Messrs. Rutledge, Randolph, Gorham, Ellsworth and Wilson, reported a draft of Constitution on the 6th August. The several articles were then debated, and the instrument as altered referred to a committee of five for revision in style and arrangement. This committee of revision, elected by ballot, consisted of Troup, Johnson, Hamilton, Gouverneur Morris, representing New Jersey, Madison and King, who reported a revised draft on the 12th September. A letter to Congress, prepared by order of the Convention was agreed to; a motion to appoint a committee to prepare an address to the people of the United States was rejected; finally on the 12th September the new Constitution was agreed to, engrossed and signed as follows: "Done in Convention by the unanimous consent of the States present."

Alexander Hamilton alone signed in behalf of the State of New York. During the early part of the debates all three of the New York delegates were constant attendants, but when, on the 5th July, the principles of the Constitution were established, and it was definitely settled that the views of the Federalists would prevail, Messrs. Yates and Lansing left the Convention and returned to their homes, leaving to Hamilton alone the honor of affixing his name to the great charter of American Union. Lansing had been the active supporter of the New Jersey plan. In a letter to Governor Clinton the discontented delegates assigned their reasons for deciding against what they term a consolidation of the States, under two heads: 1st, the limited and well defined powers under which they acted, and which could not, they say, on any possible construction, embrace an idea of such magnitude as to assent to a general Constitution in subversion of that of the State; 2d, a conviction of the impracticability of establishing a general government, pervading every part of the United States, and extending essential benefits to all.

The seventh article of the new Constitution provided that its ratification by conventions of nine States should be sufficient for the

establishment of the Constitution between the States ratifying the same. Jay had proposed that the Convention have an ordaining power, and not merely that of recommendation, which, it has been claimed, would have avoided the subsequent struggles over the Constitution; but this opinion is hardly tenable. The same struggle would have taken place over the appointment of delegates, and might have prevented any appointment whatever. Certainly New York, with her jealousy of delegated rights, would never have thus committed herself to any scheme of government. The result proved the wisdom of leaving to the people the final work.

The next step was to prepare the public mind to accept the conclusions of the Convention and secure the ratification of the new Constitution. Hamilton had, from the beginning, been sanguine of success. Called away for a time from attendance on the proceedings of the Convention, he had satisfied himself, on his passage through the Jerseys and in New York City, that, as he wrote to Washington, "the critical moment had come for establishing the prosperity of the country on a solid foundation, and that, from conversation with well-informed men from all parts of the State, he was assured an astonishing revolution had taken place in the minds of the people." Yet there were many who were not willing to accept all that had been agreed upon in Philadelphia. To meet their arguments, and in the very centre of opposition, Hamilton, Madison, and Jay joined together in the publication in the New York press of the famous Federalist essays, and were met by the opponents of the national scheme with a power and vigor only second to their own.

The forum of debate was now changed, and on the 28th September the report of the Convention, with the letter adopted, signed by Washington, its President (by unanimous order, as the document states), was laid before Congress, and ordered to be transmitted to the several legislatures for submission to a convention of delegates chosen in each State *by the people thereof*. The last argument was to be made before the highest court—the people.

To Delaware belongs the honor of having been the first to ratify the new Constitution. On the 1st December, 1787, a convention of the people assented to and confirmed the instrument. Pennsylvania followed on the 12th, New Jersey on the 18th of the same month; Georgia on the 2d, and Connecticut on the 9th January, 1788—all of these without qualification. Massachusetts fell into line on the 6th February, recommending several important amendments, one reserving

to the State all powers not expressly delegated, forbidding direct taxes except under certain restrictions, prohibiting commercial monopolies and the holding of offices of trust or titles of nobility from foreign powers. On the 28th of April Maryland adhered without restriction. South Carolina, on the 23d of May, with a declaration of rights as to elections, which should, in the language of the preamble, be forever inseparably annexed to the sovereignty of the States; of the reserve of all rights not expressly relinquished; and a protest against direct taxes except after due requisition by Congress. This was the eighth State which ratified the Constitution.

The Legislature of New York met at Poughkeepsie on the 9th January, 1788. On the 11th Governor Clinton in his opening address submitted to it the recommendation of Congress. In this message the Governor made no other observation than to say that "from the nature of his office it was improper for him to have any other agency in the business than that of laying the papers before the Legislature for their information." On the 31st January the Assembly resolved that the report of the Federal Convention be submitted to delegates, to be chosen by the people. The Senate concurring, an election was ordered, and held on the 29th of April.

The New York Convention met on the third Tuesday in June, the 17th inst., at the Court House in Poughkeepsie. This was the seat of government; its sessions had been held here since the burning of Kingston by the British in 1777. It was a central location between the two principal cities—New York and Albany. The Court-house was the oldest building in the town, a substantial stone structure, erected in 1702 by Myndert Van Kleek, one of the earliest settlers of Dutchess county. It stood in Milk street until 1835, when it gave way before the march of improvement. Here fourteen counties were represented by 65 delegates. In this body was gathered the power of the State representatives, its patriotism, its intelligence, its culture, its great landed estates, and its commercial interests; statesmen, generals, diplomatists, jurists. His Excellency George Clinton was unanimously elected President. The doors were ordered to remain open. The delegation from New York city was of unusual strength: Jay had been member of both the first and second Continental Congress, of which he was at one time President, later Minister to Spain, one of the commissioners who negotiated at Paris the treaty of peace, and Secretary of Foreign Affairs of the Confederation, which office he was then holding. A member of the Convention, which formed the Constitution of the State, a large share

of the labor of construction had fallen upon him, and he had been chosen the first Chief Justice under that instrument. From his varied experience both in the affairs of the State and of the workings of the imperfect national system, he brought to the task of harmony a thorough understanding of the interests of both. The next in order of choice was Richard Morris, of Scarsdale, Westchester county, Chief Justice, who had succeeded Jay in the tenure of this office. He was the second son of Lewis Morris, of Morrisania. This patriotic family was further represented in the Convention by his elder brother, Lewis Morris (signer of the Declaration of Independence), and by their half brother, Gouverneur Morris. John Sloss Hobart, an old son of liberty, had been member of the Provincial Congress, and although not a lawyer by profession, was commissioned one of the first two puisne judges of the State. Of Alexander Hamilton no further mention is here needed. Upon him, as the advocate of the new Constitution, every eye was turned. Robert R. Livingston was the Chancellor of the State; he also had served in various positions of high trust: as member of the Assembly, delegate to the Continental Congress, and Secretary of Foreign Affairs under the Confederation. The influential family of Livingston was still further represented by Philip, sent up by Westchester; Gilbert, by Dutchess; and incidentally by James Duane, who had married a daughter of Robert Livingston. The record of James Duane, who had also been in Congress, was illustrious. He had served in the Colonial Assembly, in the first and second Congress, as Senator of the State, and in the full tide of popularity as the first Mayor of New York. The names of the remaining three, although less widely known out of the State, commanded universal respect within its borders. Isaac Roosevelt, an early patriot and member of the Provincial Congress; Richard Harrison, an eminent lawyer and one of the Commissioners appointed to arrange with the British for the evacuation of New York in 1783; Nicholas Low, a distinguished merchant, and personal friend of Washington. Such was the city delegation.

Nor were the country districts less ably served. From Ulster came the Governor, Clinton, the favorite son of the State, who now for the first time found himself in division with the friends of his long and honorable career and leading an opposition to the plan which Washington favored. With him his brother, General James Clinton, the heroic defender of the Highlands. From Queens the veteran Samuel Jones, whose remarkable legal powers gave him great and just influence in all deliberative bodies. From Westchester Colonel Philip Van Cortlandt,

a representative of the old Dutch stock, and a gallant revolutionary officer. From Orange Wisner and Haring, both of whom had been representatives in the Provincial and Continental Congresses. From Albany Robert Yates and John Lansing, Jr., the former one of the framers of the State Constitution, member of the Provincial Congress, and judge of the Supreme Court; the latter, had served as military secretary of General Schuyler, as member of the Assembly, of which he was at one time Speaker, of the Congress of the Confederation, and as Mayor of Albany. Both of these gentlemen had also been delegates to the Convention at Philadelphia, from which they had withdrawn, and were now about to renew their bitter hostility to the proposed Constitution on a new arena. All the members of the Convention cannot here be characterized, but any sketch would be incomplete without a mention of Melancthon Smith, one of the warmest personal friends of Governor Clinton, and the ablest of the adversaries of the Federal plan. The records show him to have sustained the debate, which he directed and controlled as the advocate of the Governor's policy with vigor and ability, and to have justified the opinion Colonel Hamilton entertained of him, as his most formidable opponent.

On the 19th of June Mr. Oothoudt of Albany was called to the Chair. The Constitution was read for the second time, and the debate was opened by an address from Chancellor Livingston, in which, after recounting the failures of European states to realize the cherished idea of the best of their statesmen of a general union of nations, he showed that the plan which the character of foreign governments rendered unpracticable was possible in the United States, whose language and religion were homogeneous, and who professed the same great principle of government, "*that all power is derived from the people.*" The expression—"by the people"—may be found in the first Constitution of the State. Here attention is called to the claim made by John Adams in a letter to Mrs. Mercy Warren, dated July 11, 1807, recently printed by the Massachusetts Historical Society, that he suggested the principles of this celebrated instrument. These principles, however, were not new in the New York colony; they are distinctly stated in her Declaration of Rights of 1683 and the letter of the Assembly to Parliament of 1764. They are the principles of the English Constitution—government in three branches—an upper and lower House and a chief Executive, together with an independent judiciary. These principles Mr. Adams did not invent. The form of their application only was the subject

of debate in the Convention which framed the New York Constitution of 1777. Livingston examined in detail the natural advantages of the State and its peculiar exposure to the aggression of its British neighbors and the savage tribes. He showed that the Confederation had not maintained domestic peace, supported our credit or extended our commerce. Then passing to the consideration of the few additional powers proposed to be granted to the general government, he finally urged that the Convention should wholly abandon the *principle of confederation* in their examination of the new Constitution, and to that end made a practical proposition, which showed his thorough understanding of the nature and habit of deliberative bodies. This was in the form of a resolution that no question, general or particular, should be put upon the proposed Constitution of Government for the United States, or any clause thereof, until the whole instrument had been considered. In his argument Mr. Livingston expressed the hope that such of the members of the Convention as were officers of the State Government would forget the pride of office and act as simple citizens, holding an equal balance between the Union and the State.

To this speech Mr. Lansing replied the next day, defending the existing Confederation, claiming that it was capable of melioration, and sharply commenting on the Chancellor's final appeal to the State officials. To this the Chancellor replied. Thus it was evident in the very opening of the debate that it was to be marked by acrimony as well as ability; that the contest would be sharp and personal, and that neither the advocates of the States' rights or the National system were inclined to engage in the encounter with buttons on their foils.

This preliminary skirmish closed, the reading of the sections began, the second of which, concerned the formation of the House of Representatives and the ratio of its representation. This clause was particularly objectionable to the opponents of the Constitution. The States were represented in the Confederation by seven delegates each, which Hamilton considered ample; while the opposition insisted upon the danger of small bodies and the insufficiency of an adequate representation of the different interests of an extensive country, besides the temptation to personal aggrandisement and corruption. It will not be profitable to pursue the course of debate in this direction. It has little interest for us to-day. History has demonstrated the unwieldy nature of large bodies. Melancthon Smith then addressed the Convention. While he declared himself to be as strongly impressed with the necessity of a Union as any one could be, and engaged to seek it with as

much ardor, he yet was unwilling to sacrifice or even endanger the liberties of the citizen to preserve it. He was prepared to say that he was opposed to the adoption of the Constitution, because that was the subject of debate. He confessed the defects of the old Confederation, and the necessity of a Union. He marked the point that Mr. Livingston had admitted that the intent of the new Constitution was, not a Confederacy, but a reduction of all the States into a consolidated government.

Hamilton replied. He pointed to the fact that during the war, when the bond of Union was strengthened by the presence of common danger, its weakness was still manifest. When New York in 1779 and 1780, from the ravages of war and her great exertions to resist them had become weak, distressed and forlorn, the principles now contended for were admitted by all. Not only had New York, though most exposed, complied in an unexampled manner with the federal requisitions, but she had been compelled by the delinquencies of other States to bear most unusual burthens. Amid all its distresses New York had fully complied with the requisition of Congress. New Hampshire, which had not suffered at all, he said was totally delinquent; North Carolina likewise. Others had contributed in a very small proportion, while Pennsylvania and New York were the only States which had *perfectly* discharged their duty. He then demonstrated the madness of attempting to coerce any non-complying State of a Confederation, and showed that the only escape from the dilemma was to enable national laws to operate on individuals in the same manner as those of the State. After this general and lucid declaration of principle he gave a history of the circumstances which attended the Convention which framed the new Constitution, and argued from the difficulty found in harmonizing the interests of the different parties to it, that it was not likely that any other Convention would reach any greater unanimity; and then passed to the consideration of the plan itself in detail. The proper basis of representation was the first subject discussed.

Mr. Smith replying, charged upon the friends of the proposed government an intention to remove all barriers of restriction, in order to give it free access to pockets and ample command of persons. Should the energetic Government demand be granted, he claimed that in a short time more power would be insisted upon. It was time to form a barrier against bad men, and it could only be done by establishing the government on the broad basis of equal liberty.

In his reply Hamilton laughed at the supposition that there was an

intention to establish an aristocracy, and wholly agreed to the principle that there should be a broad democratic branch in the national legislature. This he claimed could be secured by the increasing population of the country. At the same time he defended the limitation of the Senate or upper house. Smith and Lansing replied, and the Governor himself took the floor, objecting that the extent and diversity of interest of the country called for a large representation; his objection was met by Hamilton with his usual fertility of resource, and the Governor was driven to a distinct declaration that his wish was for a federal republic.

The charge of Mr. Smith of an intention to form an aristocracy brought Chancellor Livingston again to his feet. With keen touch he deposed and dissipated the *phantom aristocracy*, as he termed the class which Mr. Smith described as dangerous to the interest of the State, and with clearness exposed the fallacy, that it is not safe to give to the government power over the purse and the sword. And indeed in the course of history it would be difficult to find an instance of a government which, drawing the sword, has not assumed control of the purse. The example of the refusal of Parliament to vote the money bills is not an example, for Parliament was a co-ordinate branch of the government. The axiom that it is not safe to leave the power over purse and sword to the *Executive* is different and irrefutable. With extreme tact Mr. Jay laid stress on the point, that all sides agreed that a strong energetic federal government was necessary and practicable.

On the 24th June the formation of the Senate was considered, when Gilbert Livingston took the floor with an amendment limiting the term of service, in which he was supported by Mr. Lansing, while their objections were met by Chancellor Livingston and Chief Justice Morris, the latter of whom urged the danger of straining the provisions for the security of the States so far as to defeat the end proposed, and place senators at slavish subjection to the contracted views and prevailing factions of the State governments. Mr. Harrison joined in the opinion that the power of recall of senators by the States was imprudent and dangerous. Here again Mr. Hamilton met the opposition with a masterly speech. In it he avowed his distrust of popular assemblies, and the necessity of some permanent body to correct its prejudices, check its intemperate passions and regulate its fluctuations. It is unquestionable, he remarked, that the body of the people in every country desire sincerely its prosperity; but it is equally unquestionable that they do not pos-

possess the discernment and stability necessary for systematic government. Here was an avowal of distrust of the people as marked as the well-known observation of Gouverneur Morris, upon the scene which he witnessed from the balcony of the coffee-house in 1774, when he prophesied, before American independence was declared and federalism and democracy as yet undreamed of, the struggle between the opposing elements of society and the victory of popular government.

In this branch of the debate the extremes of the Convention came close together. There were many of each opinion in favor of a strong upper house; the question was merely that of State power. Hamilton remarked that there are two difficulties in forming systems of government—safety for the people and energy in the administration; to secure the latter the senator must not be considered as the agent for the State, but as an agent for the Union, and bound to perform services necessary for the good of the whole, though his State should condemn them.

Such was the position of the debate when Chancellor Livingston reminded the Convention that its ground was changed. The preceding day news had reached Poughkeepsie of the adoption of the Constitution by New Hampshire. As this was the ninth State, the new Government was now formed, the Confederation dissolved. He pointed out the danger New York would be exposed to in a position of isolation and the no less dangers even if some of the southern States should form a league with her. The ratification by New York had now become not only necessary, but morally certain. The gratification of the people at the news of the adhesion of New Hampshire was swelling into a general burst of joy. Notwithstanding the strong anti-federal complexion of the Convention, such observers as Jay were confident of the final result. Before the close of June he wrote to Washington that the greater number were averse to a vote of rejection, and that the people were gradually coming right. The accession of New Hampshire he adds, had done much, that of Virginia would do more. Yet the states rights men stood firm. Mr. Smith declared his feelings to be unaltered, and Mr. Lansing would not acknowledge that it changed the position of New York, or should affect their deliberations, and Governor Clinton again threw his personal weight into the balance by a severe animadversion upon those who had drawn a gloomy picture of the situation of the State.

The whole purpose of the anti-federalists was now turned to securing the passage of such amendments as would, if accepted, greatly diminish the power of the central government. Massachusetts had set

he example of recommending amendments. The debate continued in a general character until the 28th June, when Mr. Hamilton introduced a series of official papers to show the peculiar sufferings New York had been subjected to from the mode of raising revenues by the debased system of requisitions, and the resolutions adopted by the people during the most melancholy period of the war. These papers had been procured by James Duane, and this timely movement greatly alarmed the anti-federalists. They contained the recommendation of the Governor and the resolves of the legislature. Governor Clinton was again driven to declare himself a friend of a strong and efficient government. Here Duane reminded the Governor that he was in the confidence of Washington, and asked if he had received communications from him to the effect that if New York did not furnish supplies for the army it must be disbanded; and the Governor acknowledged that he had received such communications more than once, and added that at one period the exertions of the State in impressing flour from the people saved the army from dissolution.

Mr. Hamilton with courteous tact disclaimed any idea of attempting to show any inconsistency in the position of the Governor by the production of the papers, but demonstrated from them that the system of requisition was defective and rotten. As the debate drew to its close, it took a personal character, and warm words passed between Hamilton and Lansing, arising from a charge of inconsistency upon the former, which he indignantly denied.

On the 2d July it was known that Virginia had ratified (on the 27th June) the Constitution, recommending several amendments. Still the ultra anti-federalists stood firm. On the 7th Mr. Lansing brought in a declaratory bill of rights, to be prefixed to the Constitution, and on the 10th a plan of amendments in three classes—explanatory, conditional, recommendatory. With all this able discussion, no test question had as yet been put to the Convention. It was not till the 11th July that Mr. Jay moved the ratification of the Constitution, and that such amendments as should be deemed useful or expedient should be recommended. He was supported by Chancellor Livingston and Chief Justice Morris, and opposed by Melancthon Smith in a debate, which lasted till the 15th, when Mr. Smith moved a restrictive amendment as to the service of the militia and the laying of direct taxes as conditional to ratification. On the 16th a motion to adjourn was debated and rejected, and a plan of ratification submitted by Mr. Duane, with explanations and recommendations, rejected. On the 19th the draft of a

conditional ratification with amendments was debated. On the 23d Mr. Jones introduced a question, on which there was a test vote. This was to substitute an expression of *full confidence* that the amendments proposed would be adopted in place of the *condition* before expressed. On this motion, Mr. Melancthon Smith changed his front, and declared his intention to vote against a *condition*. Dissatisfied as he still continued to be with the Constitution as radically defective, he had believed until Virginia came in that it could have been amended previous to its ratification. He then described in a striking manner the situation of New York in case she should not be received by Congress. Convulsions in the Southern part, factions and discord in the west—the strength of his own party, who were seriously anxious for amending the Government, he said would be dissipated; to use the simple figurative language of Scripture, they would be “dispersed like sheep on a mountain;” and he closed by declaring that he should vote against any proposition which would not be received as a ratification of the Constitution. Gilbert Livingston followed to the same effect. The Governor qualified his continued adherence to a *conditional* ratification by saying that whatever his own opinion might be, such was the sense of the county of Ulster. The motion of Mr. Jones was carried by a vote of 31 to 29.

The opposition were in their death throes, but Mr. Lansing, determined and persistent to the last, moved to adopt a resolution reserving to the people the right to withdraw from the Union after a certain number of years, unless the amendments proposed should be previously submitted to a general convention. This was also lost. The question was then taken, and the report adopted. The Convention then resolved unanimously that a circular letter be prepared to be laid before the different legislatures of the United States, recommending a General Convention. To Mr. Jay, who opposed the idea, was entrusted against his protest the draft of this letter, a singular proof of the public confidence in the probity and fairness of his judicial mind. The next day, Saturday, 26th July, 1788, the Constitution was finally ratified by a vote of 30 to 27, a majority of three votes, and the Convention adjourned. For forty days the Constitution, in the words of a letter from the scene, had “undergone an ordeal torture.”

Thus, in the language of the day, New York became the eleventh pillar in the Federal edifice. To Hamilton, as the victor in this long struggle, fell the laurels, and to him was assigned the honor of presenting the ratification to Congress, to which he had been appointed delegate by the Legislature the 22d January preceding.

North Carolina followed on the 1st August, Rhode Island on the 29th May of the succeeding year and Vermont on the 10th January, 1791.

While the sages and statesmen throughout the land, but especially in the larger States, were divided in sentiment with regard to the new Constitution, there was no mistaking the temper of the people. With a correctness of judgment, which seems almost instinctive in large masses when their interests or honor are at stake, they recognized the gravity of the emergency. On the adoption or rejection of this Constitution by the States depended their political existence, perhaps their personal freedom. They were to remain weak and divided, subject to disunion at home and insult from abroad, or they were to become one of the powers of the earth. The old colonial cry of "join or die" was revived. The proceedings of the different conventions were watched with intense interest.

On the 25th June an express arrived from Poughkeepsie with the intelligence that the Convention of New Hampshire had on the 20th ratified the Constitution. As this was the ninth State which had formally adhered to the new plan, the Union was formed. The excitement in the city was intense. Meetings were held at the City Tavern in Broadway, where the old host Bardin had again hung out his sign. A Federal Committee was raised and a procession of merchants, tradesmen and mechanics at once projected, but was postponed until the 22d. Meanwhile on the 1st July the news of the adhesion of Virginia was known. All over the State feeling ran high; in Albany on the 4th the rival parties came to blows, swords were drawn, bayonets were used, and a street fight ensued, in which the anti-federalists, as the opponents to the Constitution styled themselves, were overpowered and dispersed. They had excited the popular rage by forming in procession and burning the new Constitution. Impatiently waiting the action of the Convention sitting at Poughkeepsie, the citizens of New York prepared for the grand display, which is known and well remembered as the federal procession.

On Wednesday, the 23d July, at 8 o'clock in the morning, the firing of ten guns announced the movement of the grand procession, which marched from the Fields, where they formed, down Broadway to Great Dock (now Pearl) street, thence through Hanover Square, Queen (now Pearl), Chatham, Division and Arundel (now Clinton) streets, and thence through Bullock (Broome) street to Bayard's house. The Superintendent, Richard Platt, had his headquarters at St. Paul's Church, and was dressed in a blue coat, red sash, white feather, tipped with black; and

was assisted by Colonels William Livingston and Giles, Major Bleecker, Captains Fowler, Stagg, Dunscomb and Morton; Messrs. John R. Livingston, Daniel Le Roy, Thomas Durie, Edward Livingston, Staats Morris and John Lefferts as aids, who were clad in a uniform, white coat, with blue coat and sash, wearing a white feather, tipped with blue, and carrying each a speaking trumpet.

The whole body was reviewed by Congress, and then, wheeling into Great George street (Broadway,) marched back to the Fields, where the van and rear guns exchanged salutes with the federal ship Hamilton, Commodore Nicholson, of thirteen guns, which had been carried in the procession, making a grand appearance, sailing with flowing sheets and full sails down Broadway, the canvass waves dashing against her sides, the wheels of the carriage concealed.

The streets on the line of march had been swept and watered by the inhabitants and the sale of spirituous liquors forbidden on Federal Green. Major L'Enfant, the distinguished French engineer, who later designed the alterations by which the old City Hall was converted into the well-known Federal Hall, where the first Congress met under the new Constitution, had been charged with the erection of accommodations for the entertainment which was the inevitable accompaniment of the public demonstrations of our hearty forefathers. This was a large canopied pavilion adorned with the flags of the various friendly nations, in the centre of which was an elevated dais, from which radiated two extensive tables. This noble and beautiful edifice, as it is described in the journals of the day, covered a surface of ground 880 feet by 600, and accommodated six thousand persons; the colonnades were 440 feet long. Two bullocks and a mutton, the same account says, were roasted whole, besides hams for the regale of the company. One of these bullocks, presented by the butchers, weighed a thousand pounds. This primitive meal was washed down with beer from abundant casks. The line of procession extended a mile and a half, and contained five thousand people, nearly a quarter of the whole population of the city. Everything passed off with regularity and decorum; all branches of industry were represented, and even the farmers thronged into the city to take their place. In the evening the trades dined together, and the general sentiment was the State of New York and its speedy adoption of the new Constitution.

Their hopes were not long disappointed. The joyful tidings of the ratification at Poughkeepsie reached the city the next evening at 9 o'clock; the bells were immediately set a-ringing and salutes

fired from the fort and the Federal ship; the merchants who were assembled for their Saturday night's supper at the Coffee House, testified their joy by repeated huzzas, and a large body of citizens, headed by a number of the first characters, went to the houses of the members of the Convention and gave three cheers as a testimony of the approbation of the glorious event brought about by their united, unremitted and toilsome exertions. In short, a general joy run through the whole city, and several of those who were of different sentiments drank freely of the *Federal Bowl*, and declared that they were now perfectly reconciled to the new Constitution.

In the city the Federalists had from the beginning largely outnumbered the supporters of the States rights doctrine; in the words of Hamilton, the "Constitution was as popular in New York city as anything could possibly be," and the same sentiment spread over the interior counties so rapidly that Jay was able to write to Washington in September that the opponents to the Constitution were decreasing and temperate, and that those who wanted a new Constitution sought it rather as a measure to justify their past opposition than as expecting any real result from it. No more was heard of a new convention in New York.

How thoroughly true New York has been to the obligations she assumed when she entered the Union need not be related. No State has done more to shape the destinies of the Grand Republic than she, and none has reaped more solid benefits from the Constitution she adopted and the Union that she joined.

JOHN AUSTIN STEVENS

THE BATTLE OF MONMOUTH

MONMOUTH COURT-HOUSE, OR FREEHOLD, SUNDAY, 28TH JUNE, 1778

The evacuation of Philadelphia by the British was the first tangible result, in favor of the Americans, of the French treaty of Alliance. This was signed 6th February, reached Falmouth Harbor (Portland, Me.) 13th April, and was communicated to Congress 2d May, and celebrated in the camp at Valley Forge (6th) 7th May, 1778. The bitterest sufferers by the British abandonment of Pennsylvania were the loyalists. To them this revolution was misery, ruin and exile. Sir William Howe, at his own request, had been relieved of his command and superceded by Sir Henry Clinton. This was after the mutual fiasco of "Barren Hill, 18th May," in which both were concerned or present on one side and La Fayette on the other.

Clinton received the command of an army partially disaffected. The German element was no longer thoroughly reliable. As proof of this he had to dispatch at least one German regiment to New York by sea, fearing to trust it by land; he moreover lost, according to different accounts, by desertion, etc., from 1,000 to 2,000 in his twelve days' retreat through the Jerseys. Of these 600, principally Hessians, stole away to rejoin their wives, married during the winter sojourn in the "City of Brotherly Love."

Clinton evacuated Philadelphia on the 18th June, 1778. This operation was so ably conceived and carried out that he experienced no hindrance or even annoyance from Washington, although the latter was expecting and watching it. This movement began at 3 A. M., and by 10 A. M. everything—troops and material—were safely across the Delaware, and ready for the march through New Jersey to the sea.

The Hessian General and military critic, Baron von Ochs, in his "Reflections upon the New Art of War" (*Cassel*, 1817), pronounced Clinton's retreat across Jersey more remarkable than that of Moreau through the Black Forest in October (1st-15th), 1796, which the best judges have considered a masterpiece if not a miracle of soldiership.

The British retreat was impeded much more by heavy rain and more than extraordinary heat of the weather—the worst meteorological alternations for rapid movements—than by any military expedients and im-

pediments. So promptly, indeed, did Clinton move, that the American detachments sent to destroy the bridges, etc., could not complete their work sufficiently well, or on time to arrest his march.

The British moved in two divisions. Nothing is more discordant than the estimate of Clinton's and of Washington's armies, except the accounts of their collision at Monmouth. Irving says (III. 416), the former had "about 9,000 to 10,000, Washington a little more than 12,000 Continentals [regulars, in the best sense of the word] and about 1,300 militia." Washington, from certain strategic reasons, did not always state his numbers accurately; for instance, at White Plains, "and was brought to book for it." The discrepancy, about equal to the number of militia present, was excused on the plea that "no old 'war-horse' ever counted his militia as effectives." Marshall, admirable authority, referring to clear contemporaneous corroboration, says: "the British army was computed at 10,000 effectives; that of the Americans amounted to between 10,000 and 11,000." The arguments for and against hazarding an action were founded on some such relative figures. According to the British "Official Returns" of March 26, 1778, Howe's (afterward Clinton's) strength comprised 13,078 English, 5,202 Germans, and 1,250 [Pennsylvania, New Jersey, and Maryland Royalists or] Provincials; total 19,350. Any such estimate for Clinton's active force in June would be a gross exaggeration. The American strength, on the other hand is, as a rule, always depreciated. If there is a detailed register of Washington's army, it has not been accessible, otherwise how are such discordant enumerations possible? The aggregate usually given is 15,000. Doubtless, including mobilized militia and temporary levies, it was very much greater than the British. Gordon (III. 133) quotes a letter of Washington of the 24th of June (four days before the fight) in which he says: "The enemy's force is between 9,000 and 10,000 *rank and file* [this is vague and like the late rebel returns]; the American army on the ground is 10,684, *rank and file*, beside the advanced brigade under General Maxwell of about 1,200 and 1,200 Militia." Add officers, non-commissioned officers, musicians, details, etc., and this might swell Washington's actual strength to over 18,000 continentals, etc. As to the militia there is no certain reckoning. Marshall says: "The militia had returned to their homes immediately after the action." A corresponding calculation, taking into account the admitted wholesale desertions, would give Clinton, all told, at the very utmost 13,000 fighting men.¹ An American writer who has paid close attention to this subject, remarks that Washington's "army was

fully equal in numbers to that of the enemy, and * * * was not wanting in energy and nerve." It is most likely, counting regulars, mobilized militia and temporary levies, Washington's total was to Clinton's as 3 to 2.

Clinton's line of retreat from Philadelphia to Sandy Hook was about due north-east. Washington, as usual, crossed at Coryell's Ferry,' some thirty (40?) miles directly N. N. E. of Philadelphia, and thence moved almost at right angles forty to fifty miles eastward, to the encounter at Monmouth. Thus pursuing on two sides of the triangle, he had to march altogether from eighty to ninety, perhaps one hundred, miles, according to the roads; the English, following the hypotenuse, between sixty to seventy miles.

Clinton's train and baggage, including bat or baw-horses, etc., extended 12 to 14 miles. The protection of this long procession was confided to Knyphausen (perhaps on account of the proneness to desert evinced by the Germans). It was compelled to move on a single road, since there was only one then in existence which was practicable for carriages, and even this was heavy from rain and loose deep sand.

As soon as the Americans showed themselves in force on the 27th June, Clinton drew up or deployed the column or division under the immediate command of Cornwallis, and with which he remained along and across the roads, fronting, from S. W. to N. E., Monmouth Court-house or Freehold, as it should be more properly called. His troops, in fact, must have lain all about or around the settlement on the night of the 27th-28th. This village (or hamlet, a century since) is the capital of the alluvial county of Monmouth, which lies south of Raritan Bay and along the Atlantic from Sandy Hook to Manasquam Inlet, just north of the famous "Squam Beach." It is a central point at the intersection of three roads; the first, from Princeton and Trenton to the West, passes through Englishtown, some five to six miles distant to the W. or W. N. W., according to different surveys; the second, from (South) Amboy to the north, and the third, from Middletown to the N. E., and Shrewsbury to the east. The last two join a little east of the Court-House.

Almost the whole of Clinton's front, and particularly his left wing, was protected by a marsh and thick wood, and in his rear was a difficult defile. In regard to no engagement of the revolution is there less clear, defined or concurrent information than to Monmouth, fought on a brilliant Sunday, 28th June, 1778. It is a *tohu-bohu* of words, very much

like the fighting. The clearest digested statement is by the British General, Hon. Sir Edward Cust, a very impartial annalist, who wrote in 1862.

It would seem as if Washington might have started with the plan to stop Clinton, whose heterogenous force was not as unanimous in spirit as is generally believed, to hold him at the Raritan and its marshes with his disciplined troops, as Burgoyne was impeded between Lake Champlain and the Hudson, and everywhere on this river and its affluents; accumulate militia around him, as Schuyler did about Burgoyne, and then swarm him out—the Northern army from the Hudson working in as a part of the machinery—as the British army was disposed of September 13th—October 17th of the previous year. This might have actually occurred if Lee had done his whole duty, if Morgan had struck in on time, always supposing, as was doubtless correct, the Americans (between continentals and militia) outnumbered the enemy, perhaps two to one on the actual scene of the conflict or absolute point of collision.

Lee, in reality, in action, commanded the American advance, 5,000 strong, which was at first assigned to La Fayette, who is relieved of all or any blame through his actual, if not nominal, supersedure by Lee. The right wing, main body, was commanded by Greene and the left by Lord Stirling. [Washington was with the former, and Steuben was at first with La Fayette, and, afterward, with Stirling.] While Lee made a partial demonstration, not an actual attack, on Clinton near the Court-house, Morgan, just as in the Burgoyne battles, was to operate with his riflemen on the British left, while Maxwell and others, with Dickinson's militia regiments, threatened the British right and even right rear. Morgan did not get into action at all. He remained at Richmond Mills, three miles south of Freehold or Monmouth Court-house, in full hearing of the firing, and for some inexplicable reason did nothing. If all the forces, flanking and holding, had done their duty as Wayne discharged his, Clinton might actually have been "Burgoyned."

The skirmishing began between 7 and 8 A. M., and continued, through four distinct phases, until noon.

Clinton, perfectly aware that it would not do to allow any confusion to affect his twelve-mile-long baggage train, made a brisk return on Lee, with picked troops ["which could not easily be equalled," as was remarked by a contemporary] belonging to the division of Cornwallis. Lee gave way at once; and it is charged that the consequent disadvantages sustained by the Americans were due to his bad behavior, founded on

the intention to limit, if not frustrate a decided victory in favor of Washington. The Americans were driven back full two miles and a half. At the most critical moment Washington arrived, and all was disorder, if not even positive dismay; his presence gradually, if not immediately, restored the confidence which the troops under Lee had lost, in a great measure, through the fault or mismanagement of their commander. Checked in turn, Clinton assailed the American columns moving to flank him. The American left was roughly handled by the British cavalry and infantry; but ever reliable Wayne finally held the Royal troops in check, and with the cooperation of Greene to their left finally repulsed them, even after they were reinforced from Knyphausen's division. Here, in front of Wayne, the gallant British Lieutenant-Colonel (Brevet General?) Honorable H. Monckton fell. This spot is about two miles west from the Court-House.

Steuben first restored matters on the American left, and it is said that such was the confidence reposed in him by the soldiers "that they, although severely pressed by the enemy, wheeled into line with as much precision as on an ordinary parade, and with the coolness and intrepidity of veteran troops. Alexander Hamilton was struck with this change, and was afterwards heard to say that he had never known or conceived the value of military discipline till that day." Farther than this there is no use of endeavoring to solve what appears a military conundrum. Suffice it to add that, with fluctuating fortunes, both Generals fed the fight with fresh troops until Clinton fell back in good order *behind* a defile similar to that in *front* of which he made his first stand. By this time it was night; the firing and fighting, desultory, unsatisfactory, had lasted—through four other phases—seven or eight hours; a terrible ordeal in such an overpowering heat, and on such a soil.

This battle, "pitched" or "drawn," whatever it is styled by historians, was scarcely regulated and was not terminated by valor or by soldiership, but by the unbearable sultriness of the day. "Both sides, however, record that the extreme heat of this day was seldom equalled, and that the British and American soldiers alike felt their energies so oppressed by the unusual sultriness that they contented themselves with removing their wounded, and desisted altogether from active hostilities. On the side of the English fifty-nine soldiers are said to have perished in this action without a wound, merely through the excessive heat and fatigue." "A number of the Americans likewise died from the same cause, and it is said that in very many cases the tongues were so

swollen [from heat and thirst that officers and men were rendered speechless." "The horses fell dead in troops." One Major-General lost three horses in succession from the same cause.

It is justly claimed that the vicissitudes and discipline of Valley Forge manufactured the American military personnel into an army, and the four phases of Monmouth proper, not the four preliminary skirmishes, developed the maneuvering capabilities of this army under fire, and thoroughly demonstrated its new fighting power. The word "victory" is so generally misapplied that as usual this title is claimed by both sides for Monmouth. If to frustrate the intention of an opponent, and carry out one's own purpose constitutes a triumph, the palm undoubtedly belongs to Clinton. He secured his retreat. If, however, to relinquish a field to which a rebel army has been drawn, and on which it should have been fought to the bitter end, and was not, is *not* a failure in the performance of the duty expected from a royal commander, it is difficult to understand what such a duty on his part can be construed to mean. *Escape* in this exigency was *certainly not victory*. An impartial examination leads to the conclusion that Clinton was too greatly outnumbered to justify a prosecution or renewal of the engagement on his part. To secure his train, he was reduced to making a return or counter-blow—a rear-guard fight—encountering the bulk of the American army with at most two-thirds of his own forces. Perhaps he did not bring over half his troops into actual collision with his opponents. Clinton's determination at Monmouth was a type of "Mad Anthony's" return upon Cornwallis at Green Springs, near Jamestown, Va., 6th July, 1781; of Longstreet, upon McClellan, at Williamsburg, 5th May, 1862. The fighting hero of the American army at Monmouth was Wayne; Washington must, in some degree, share even his marvellous influential strength with Steuben.

Washington certainly did not succeed in accomplishing what he set out to do. But he slept on the battle-field and buried the dead. Consequently, as in so many other instances, although militarily it was a drawn battle, nationally, it is recognized as a victory.

When the morning of Monday, 29th June, 1778, broke, and the Americans arose to renew the struggle, the English had gone, and had even carried off the majority of their wounded.

"Clinton marched without further opposition to Navisink [or Neversink], a highland in the neighborhood of Sandy Hook, where he arrived on the 30th, and found [Admiral] Lord Howe, who had got there the day before with the fleet from the Delaware. This was a more opportune occurrence than could have been

anticipated, for it had so happened that in the preceding winter a violent breach of the sea had cut off the peninsula of Sandy Hook from the Continent, and converted it into an island, so that it was necessary to throw a bridge of boats across the intervening water. This was now speedily and skillfully executed by extraordinary efforts on behalf of the seamen, and the whole army was thus passed over the new channel on the 5th of July, and were afterwards conveyed by sea to New York. Soon after this the Provincial army took up its position at White Plains [Westchester Co., N. Y.], * * where it remained till late in the autumn."

Monmouth was the last field in America whereon ten thousand men on *each* side contended for victory, or were even present. After this date the war was made up of comparative skirmishes or actions, whose *objectives* alone gave to them the dignity of battles. In one respect, however, it was THE Battle of the Revolution, for upon its parched, deep, sandy field occurred the "new birth" of the American regular soldier. Hereon he showed himself the first-class maneuvering as well as fighting power, substantiated subsequently on a thousand fields—in Canada, in Florida, in Mexico, at the West, and on the gory checker-boards of the "great American conflict" waged to crush or to sustain the mightiest Rebellion which ever convulsed a nation."

JOHN WATTS DE PEYSTER

¹ The writer arrived at these figures—13,000 for Clinton and 20,000 for Washington—by a careful but curious calculation. Since this article was in print chance threw in his way Von Eelking's "Hulfstruppen," in which a Hessian officer present corroborates these estimates. This German says that Clinton "had scarcely 13,000 men"; "3,000 [cavalry and infantry] went off with [Admiral Howe's] ships"; that "Washington's strength was held to be about 20,000 men"; and that "the cannonade on both sides at Monmouth was heavier than was heard elsewhere during the war." His description of the fourteen-mile long baggage train is amusing. The affluent British officers dragged along with them masses of baggage, carriages, draft and saddle-horses, all sorts of servants, *mistresses*, and every kind of other useless stuff. If Clinton's traps had fallen into the hands of some of Washington's primitive or puritan regiments from the back settlements, these would have aroused in them as much astonishment as the surprise excited among Frederick of Prussia's "Monks of the Flag," at the composition of the *impedimenta* of the French officers, captured after Rosbach. [Washington's 20,000; see Lossing's F. B. A. R., ii., 146-147 (1).]

² It is worthy of remark that the route followed by Washington, was the one almost invariably adhered to by him in all his movements in and through the Jerseys. On this occasion it was doubtless taken with a view to intercept Clinton at Brunswick. This route bore the same relation to the stereotyped line pursued by the British in the Jerseys, that the Shenandoah valley held to the usual line of the Union advance southwards, from the Potomac east of the Blue Ridge, and afforded the same relative advantages. It had water courses to block the enemy's way and serve as wet ditches to positions; passes as sally-ports; a mountain range as a line of permanent entrenchments, and opportune spurs as bastions or detached works. All the territorial or physical advantages were in favor of the Americans; all the *material*, of the British. During the Revolutionary War, New Jersey was a more difficult country for the Royalists to fight over than even Virginia proved to the Unionists during the "Slaveholder's Rebellion." It afforded the best defensive positions, defiles, marshes, miry streams, and beyond these and rising from them, gentle slopes—the very best disposition of land for the most effective play of artillery—stone houses for detached parties, and all the peculiarities which a weaker force could desire to hold or harass a stronger invader.

SCHUYLER'S FAITHFUL SPY

AN INCIDENT IN THE BURGoyNE CAMPAIGN

"The history of a battle," says Wellington in writing of Waterloo, "is not unlike the history of a ball. Some individuals may recollect all the little events, of which the great result is the battle won or lost; but no individual can recollect the order in which or the exact moment at which they occurred, which makes all the difference as to their value or importance."¹

If this remark is true in regard to a single battle, how much more is it applicable to a campaign covering several months in time and many miles in territory, during which numerous incidents and movements of opposing forces escape even an observant eye, or else, if known at the moment, are soon forgotten. It is in fact only after age has mellowed the picture that the services of different individuals and the bearings of various incidents, that have given color to the final event, can be critically studied and viewed in their proper light. In the memorable Northern Campaign of 1777, for example, while its general result was immediately apparent upon the fall of the curtain, yet the parts played by the several actors are not even now perfectly understood. The wonderful stimulus, however, given of late years to careful and systematic historical investigation is rapidly producing fruit; and many new and valuable facts, bearing upon different portions of our history, are continually being brought to the surface by persistent digging.

Learning a few weeks since that a son and grand-children of Moses Harris—one of those who acted an important, though not a prominent part in the Burgoyne drama—were still living in Warren and Washington counties in this State, I requested Mr. S. O. Cross of Sandy Hill, N. Y., a gentleman well known as a diligent local historian, to institute inquiries among them, with a view to obtain such reliable facts concerning their ancestor as were still remembered. Mr. Cross very kindly complied with my wish; and although himself cognizant for more than forty years with some of the incidents about to be related, he devoted several days to visiting the descendants, and while refreshing his memory with incidents already known to him he gleaned new ones of equal interest. The result of his investigations is now given to the reader.

Moses Harris, the subject of this sketch, was a man of more than ordinary mental and physical ability, and a cooper by trade. He was born on the 8th of November, 1745, in Dutchess county, N. Y., where his father, Moses, senior, had settled with a colony from Wales. The latter on the breaking out of the Revolutionary war was living on the Brayton Farm, about one mile south of Fort Anne village, but went back in the early spring of 1777 to Dutchess county, where he remained until Burgoyne's surrender enabled him to return. His son, who was an earnest advocate of the patriot cause, was accustomed to visit a Tory uncle, Gilbert Harris by name, then living in the town of Kingsbury, on a farm long known as the "Bill Colvin" or "The Thousand Appletree Farm," and now owned by Thomas Owens. At such times he invariably espoused the side of the Crown, completely deceiving his uncle, who would applaud his nephew's loyalty, and urge him to stand firmly by the king.

Young Harris, who during the early summer of 1777 was living in Dutchess county with his father and brothers, Joseph and William,¹ entered the American service under the following circumstances: General Schuyler had expressed to a friend his great need of a trusty spy to obtain information of the designs of General Burgoyne. Schuyler's friend, after a little reflection, replied that he knew just the man for his purpose, adding that not one in ten thousand was so well fitted for that dangerous and important service. Schuyler lost no time in sending for Harris, who readily fell in with the plans of that general.

Before setting out on his hazardous mission, he visited his Tory uncle, who asked him how he would like to serve the king as a messenger from Montreal to New York. The nephew seemingly entered into the idea with alacrity, and so completely did he hoodwink the uncle that the latter urged him to tarry until morning. About midnight he was aroused from sleep and informed that if he were really in earnest an opportunity had arisen to serve his king, and at the same time win future favor and great reward. He dressed himself, and followed his uncle to the barn, where a secret passage disclosed a room in the center of the hay-mow. Here he was introduced to three British officers, who told him they were seeking for a trusty messenger to carry communications between General Burgoyne and General Clinton. The uncle's recommendations and the young man's apparent honesty and zeal won the confidence of the officers, and Harris was engaged on the spot to enter his Majesty's service.² After delaying a day to make a canteen with three heads for the more safe conveyance of the dis-

patches, Harris visited Burgoyne, who, fully trusting him, confirmed the bargain with the officers, and immediately made him the bearer of dispatches to Clinton. On reaching Fort Edward he had an interview with Schuyler, who read and altered the dispatches so as to mislead Clinton and delay his advance towards Albany; and on his return, the dispatches were again opened and changed so as to completely puzzle Burgoyne.⁴ The usual custom of Harris, however, on his trips south was to stop over in Easton with a Mr. Fish, who would take the papers to Schuyler's headquarters, where they were copied, altered and returned to the spy, and by him taken to Albany. Here they were delivered to one William Shepherd, who forwarded them to New York, giving Harris in return dispatches for Burgoyne from Clinton, which on the way back would, as usual, be subjected to the inspection of Schuyler.

Shepherd at length becoming suspicious of the King's messenger, tried to poison him. The attempt failed; but shortly after the Spy was arrested at Tripoli, near the dwelling of his old Tory uncle, and conducted to an island in the center of the big swamp east of Sandy Hill, where he was nearly killed by his captors in their endeavors to make him confess his treason. Moses Harris, the youngest son of the Spy, lately told Mr. Cross that the Tories strung up his father on a tree three times, to extort a confession of guilt. The prisoner persisted in declaring his fidelity to the king, and finally, having given the Masonic sign of distress, the captain of the gang—himself a Mason—let him go, remarking that it was possible a brother might otherwise perish unjustly.⁵ This, however, in turn aroused the enmity of the Whigs, some of whom swore they would shoot him at sight. Jacob Benson especially, a staunch patriot, became so enraged that he lay in wait for him all of one night, threatening to "put a ball through the cussed Tory." But Swart, a loyalist neighbor, warned the supposed traitor in time, and the latter taking another route escaped the vengeance of the infuriated Whig. Indeed, the presence of mind of Harris never forsook him, and he always eluded the most dangerous traps. Once, as badly wounded, he was fleeing from danger, he escaped immediate pursuit by swimming the Hudson near Fort Miller, and took shelter with Noah Pain, a Whig, to whom he revealed in confidence his relations with Schuyler and the American army. His host respected his secret, and concealed him until he was able to resume his journey. So great, however, had now become the feeling against him, that Schuyler was

obliged to have him arrested and thrown into jail in Albany; but he was released by private instructions to the jailor as soon as the excitement among the Whigs had subsided.

Soon after his release he was sent by Schuyler to St. John's with false information to the authorities in Canada, by whom he was handsomely rewarded; but before leaving he was again suspected of duplicity. He seems, however, always to have so acted his part as to escape, and on this occasion, when summoned before his accusers, he, as was his wont, assumed the air and attitude of injured innocence. He tore open his ruffled shirt bosom, and baring his breast, called upon those present to shoot him then and there. It was, he said, worse than death to be suspected of disloyalty to his King; and once more he demanded that his mental tortures should be ended by death. So well feigned were his actions, that for the time being, he completely imposed upon the spectators. Not only was there no opposition to his leaving the room, but on his departure, he was again intrusted with important despatches for the Southern army.

He had not been long gone, however, before the authorities, regretting their action, sent an officer to arrest him. It was too late. The spy was no where to be found. Taking advantage of the darkness which by that time had come on, Harris hastened to put himself outside of the British lines; and within an hour he was well on his way to the American army. This haste increased the general suspicion. Swift Indian runners were put upon his track; but being fleet of foot, and possessed of great powers of endurance, he outstripped his pursuers, and reached Vaughn's Corners in the town of Kingsbury (Washington Co.) before he was retaken. At this point he was so fatigued and hard pressed, that in passing an old building used for boiling potash—which stood on a farm now owned by J. W. Brown—he dodged in; and clambering up a ladder, hid himself behind a large chimney. A moment after, the Indians came round to the place where he had entered. One of them ran up the ladder, but seeing no one, gave a grunt and returned to his companions. The Indians were not seen again; and it is supposed they went over to visit Gil Harris, who lived half a mile west. Harris's stratagem, in not pulling up the ladder after him, probably saved his life; for had the savages suspected the fugitive to be in the garret, they would have set fire to the cabin and thus destroyed him. In the evening he made his way to the American lines, where he was arrested as a spy, and closely guarded until his true character was known. The despatches of the Canadian au-

thorities, which he had managed to preserve, he delivered to Schuyler in person, as his friend Fish was sick and unable to act as the "go between."

At length he was so closely watched by Tory spies in Albany, that he was forced to abandon the British service, carrying the last message, with which he was intrusted by Burgoyne, to Washington. At the same time he bore with him to the Commander-in-Chief a commendatory letter from Schuyler, who had given him one hundred guineas—probably out of the secret service money. He was offered a good position in the Southern army by Washington, but he declined it; and throwing off his disguise as a Tory, he returned to Kingsbury, saying that "all the Tories this side of Hell should not drive him from his home." Nor did they. He remained on his farm until 1787, when, having bought a large tract of land in Queensbury, he moved his family thither the succeeding year. He never entered the Continental army, but became a pensioner in his old age for his services as a spy. He was married on the 10th of December, 1767, and had five sons—Moses, Charles, William, Bradly and George; and three daughters—Dolly Bigleston, Polly Brayton and Sally Lane. He died on the 13th of November, 1838, and a monument to his memory in the burial ground at Harrisena (Warren Co.) bears the following inscription:

West side: MOSES HARRIS—DIED—NOV. 13, 1838—AGED 89 YEARS—11 MO'S AND 24 DAYS—*North side:* IN JUNE, 1787, I MOVED WITH TWO OF MY BROTHERS, WILLIAM AND JOSEPH HARRIS, ON TO THE JOHN LAWRENCE PATTEN, AS YOU MAY SEE BY THE RECORDS IN THE LIVING'S OFFICE OF THE COUNTY AT THAT AGE IN 1786. BUT NOW I AM DONE WITH THIS WORLD AND RACE, AND NONE BUT GOD SHALL SAY WHERE SHALL BE MY ABIDING PLACE."

"I have visited his son," writes Mr. Cross "within a few days, and my conclusions are, that Moses Harris was the man of all others who risked most in becoming a target for both sides, thereby procuring information that resulted in the defeat of Burgoyne. Harris, like thousands of other common men who have done great service, passed into obscurity and was forgotten. A hundred years have elapsed and justice should now be done to one of the bravest of men, who lived in times that tried men's souls! His name should be placed high on the Saratoga Monument that is to record the results of all these heroic deeds."

WILLIAM L. STONE

¹Wellington Papers, Aug. 8th, 1815.

²William became a noted Indian fighter, and passed through many a dangerous encounter. He, in company with a small party, was once surprised, while sitting around his camp-fire, by the Indians, near South Bay. On this occasion he was knocked down with a musket in the hands of a Tory neighbor by the name of Parks, and left for dead—not, however, before he had seized a stalwart Indian and thrown him into a burning log-heap, where he perished in the flames. He was afterwards captured under Sherwood at Fort Anne, and carried a prisoner into Canada, but contrived to make his escape.

³"Dr. A. W. Holden," writes Mr. Cross, "in his valuable History of the Town of Queensbury, says that the first private interview with the officers took place in a cave at Tripoli on the 'Half-way Brook.' I think this is a mistake, as I have fished all along its banks in that vicinity without discovering any cave, or the least resemblance to one. 'Gil' Harris lived about one mile from the brook; and I think I am correct in following the tradition which makes his barn the scene of the midnight interview."

⁴A similar trick was once played by Frederick the Great, who, after Liegnitz, 16th Aug., 1760, caused a letter to fall into the hands of the Russian General, Chernicheff, which induced the Muscovite, with every chance of success before him, to retreat precipitately. The incident mentioned in the text doubtless originated the "Canteen Story," told by General J. Watts de Peyster, in one of his able letters to the N. Y. Times on the "Burgoyne Campaign." See, also, Stone's Burgoyne, p. 342, note.

⁵The celebrated Mohawk Chief, Tha-yen-da-ne-gea (Brant), during the Revolution, also saved several captives on recognizing the "Grand Hailing Sign of Distress." Brant was made a Mason by Sir Wm. Johnson, at Johnstown, N. Y. See Stone's Brant.

⁶As supplemental to the above sketch it may be well to add, that Harris was succeeded in his delicate duties by Alexander Bryan, who, during the American Revolution, kept an inn two miles north of Waterford, on what was then the great road between the Northern and Southern frontiers. His house, naturally, was frequented by the partisans of each side, toward whom he behaved so discreetly that he was molested by neither, but was confided in by both. His patriotism, however, was well known to the Committee of Safety of Stillwater, by whom he was recommended to General Gates, on his taking command, as a suitable person to report the intended movements of the enemy. Bryan tarried in the neighborhood of Burgoyne's army—at that time lying between Fort Miller and the Battenkill—until he was convinced that preparations were making for an immediate advance. Then, on the 15th of September, in the early gray of the morning, he started with the tidings; and though pursued by troopers, he managed to escape, and arrived safely at the Headquarters of General Gates late the following night. Bryan afterward removed to Saratoga Springs, in the cemetery of which village there is a monument erected to his memory by his grandson (John A. Bryan, a lawyer of this city), bearing the following inscription: "In memory of Alexander Bryan. Died April 9th, 1825, aged 92 years. The first permanent settler, and the first to keep a public house here for visitors. An unpaid patriot, who alone and at great peril, gave the first and only information of Burgoyne's intended advance on Stillwater, which led to timely preparations for the Battle of Sept. 19th, followed by the memorable victory of Oct. 7th, 1777."

JOHN BERRIEN MONTGOMERY

REAR ADMIRAL U. S. NAVY

John Berrien Montgomery was born at Allentown, N. J., November 17, 1794, the second son of Thomas West Montgomery, M. D., of New York, who died in that city in 1820, aged 56 years. Dr. Montgomery's grandfather, James Montgomerie, "of Upper Freehold," came to America with his father, William, of Brigend, from Ayrshire, Scotland, in 1701-2, and settled on Doctor's Creek, in Monmouth county, New Jersey. Eglinton, the name of this estate, is situated about two miles from Allentown.

The subject of this sketch derived his Christian name from his maternal grandfather, Hon. John Berrien, one of the Justices of the Supreme Court of New Jersey, at whose residence—Rocky Hill—Washington wrote his farewell address to the Army. Judge Berrien's second daughter married Nathaniel Lawrence, Attorney-General of New York from 1792 to 1795. Descended from a race of warriors, it was natural and in accordance with the fitness of things, that young Montgomery, together with his brothers Alexander and Nathaniel, should enter the navy just as this country was on the verge of war with England.

On the 4th of June, 1812, John Berrien was appointed a Midshipman and soon after proceeded with the first draft of men from New York city to Sackett's Harbor, Lake Ontario, and served successively on the Hamilton, Madison and General Pike. November 10th he participated in an unsuccessful attack upon Kingston, N. C., with the view of calling out the enemy's flag-ship, the Royal George; on April 27, 1813, he assisted at the capture of Little York (Toronto), and May 27th of Fort George and Newark. August 4th, 1813, he volunteered, with seven other officers and one hundred seamen, for service on Lake Erie, under Commodore Perry, joining the Niagara, and participating in the general naval engagement, September 10th, which resulted in the capture of the British squadron, for which service he received a sword of honor and the thanks of Congress.

August 4th, 1814, Midshipman Montgomery was present during the blockade and attack on Macinac, Lake Huron, where the enemy was repulsed with considerable loss. On the 18th of same month assisted to destroy a block-house and a British gun-brig after an engagement of

one hour. During the next six weeks he was employed in protecting the communication between Fort Erie and the hospitals at Buffalo, in the transportation of troops between the two shores of Lake Erie, remaining in that region actively employed during the remainder of the campaign, when he returned to New York, late in February, 1815, in time to witness the general illumination of the city in honor of peace.

In March, 1815, he was ordered to the sloop-of-war *Ontario*, at Baltimore, and sailed on the ensuing May in the first squadron under Commodore Decatur for Algiers, against which war had been declared. Arriving in the Mediterranean, the young midshipman had an early opportunity of meeting the Algerians upon their own ground, taking part in the capture of one of their frigates (50 guns), a brig (20 guns), and in the blockade of the port of Algiers, until the close of the war in July, 1815. He remained on the Mediterranean station until 1817, returning in August to Norfolk, Va., but was immediately ordered to the sloop-of-war *Hornet*, then fitting for sea at New York.

In February, 1818, he was transferred to the *Cyane*, and April 1st, 1818, was promoted a Lieutenant. During the next three years Lieutenant Montgomery was cruising upon the coast of Africa, returning to the United States in December, 1820. Almost at once he was ordered to the *Erie*, in which vessel he served during an uneventful period until her return from the Mediterranean in November, 1826, when he was detached and granted a well-deserved and hardly-earned leave of absence, the first in fourteen years of continuous sea service. During the year 1828-9 he was employed on recruiting service at Chambersburg, Pa., and in 1830 was ordered to the West Indies as executive officer of the *Peacock*; off Havana fell in with the flagship *Erie*, and was transferred by signal to that vessel as executive officer, and subsequently commanded her during a cruise in the Gulf and on the coast of Mexico. Upon returning to Pensacola, July, 1831, Lieutenant Montgomery was relieved from command of the *Erie*, and ordered as Flag Lieutenant to the *Natchez*, returning in her to Norfolk, Va., August, 1831, and once more detached on leave. From January, 1833, to February, 1835, he was on recruiting service in Philadelphia and New York. At the latter date he was ordered as executive officer to the frigate *Constitution*, at Boston. March 2d sailed for New York, and on the 15th from the latter port for Havre, France, to convey our Minister, Mr. Livingston, to the United States during the Indemnity agitation, and reaching home in July, 1835, applied for and received a leave of absence.

In March, 1837, he was ordered to command the receiving ship *Columbus*, at Boston; detached in April, 1839, and promoted to Commander, December 9, 1839. Continued on leave until May, 1841, when he was ordered to the recruiting rendezvous, Boston, serving there until February, 1844. In October of same year Commander Montgomery was ordered to his first important independent command—that of the new sloop-of-war *Portsmouth*, 20 guns, then fitting for sea at Portsmouth, N. H., and sailed, touching at Norfolk, Va., in January, 1845, for the Pacific Ocean, where he rendered distinguished and memorable service during the continuance of the war with Mexico. In a brief memorandum of the details of his service, in the late Admiral's handwriting, was found the following modest account of his operations on the Pacific coast:

"During the cruise of three years and seven months (1845-49) the officers and crew of the *Portsmouth* under my command, took possession of, and permanently established the flag of the United States at San Francisco, Sonoma, New Helvetia and Santa Clara, Upper California; maintained a blockade of Mazatlan, Mexico, and in March and April, 1847, hoisted the first U. S. flags at Cape St. Lucas, San José and La Paz, Lower California, which ports were held until relinquished at the close of the war. In October, 1847, in company with the frigate *Congress*, Captain Lavallette, bombarded and captured the fortified town and port of Guaymas, Gulf of California."

The unassuming sailor makes no allusion to the handsome and unusual recognition of his abilities and discretion in conducting the blockade of a long line of coast with but one ship-of-war, and the admirable diplomacy and firmness with which he managed a discussion, involving nice points of international law, with the representatives of five great nations, at a time when, with one war on our hands, it was especially desirable to keep out of any other disputes. A few selections from the official correspondence are appended hereto, preceded with some letters which passed between Commander Montgomery and Captain Fremont, U. S. Topographical Engineers, who, whilst earning the title of "Pathfinder," had recently arrived in the vicinity of San Francisco, and was dependent upon the navy for money and supplies.

But while thus fortunate in his professional relations, Commander Montgomery was subjected to a terrible bereavement in the loss of two sons, who were serving under their father in a public capacity. WILLIAM HENRY was just twenty-six years old, a passed midshipman, and acting master of the sloop-of-war "*Warren*." JOHN ELLIOTT, aged sixteen, was his father's secretary.

On Thursday, December 13, 1846, the launch belonging to the Warren (then in the harbor of Yerba Buena with the Portsmouth) left the fleet for the purpose of carrying public funds and supplies to Fort Sacramento (Sutter). The launch was under charge of William Montgomery, with Midshipman Daniel C. Hagunin of the Portsmouth as pilot, Elliott Montgomery and a crew of nine men: George Rodman, coxswain; Anthony Sylvester, Alexander McDonald, Samuel Turner, Samuel Lane, Milton Ladd, John W. Dowd, Gilman Hilton and Lawson Lee. After an absence of seventeen days fears were entertained for the safety of the party, and a thorough and protracted search was made up the San Joaquin and Sacramento rivers, but without result. For some time it was thought that the boat had been capsized in a squall, but many years after the grey-haired father was called to the bedside of a dying sailor, who confessed that he had taken part in the murder of the officers, and that the crew, after scuttling the boat, divided their plunder and separated. Although the late admiral would never discuss the subject, yet this theory has been adopted by the other members of his family.

Although sympathizing personally with the gallantry and enterprise which characterized the revolutionary movement of the foreigners resident in California, yet Commander Montgomery rigidly adhered to his instructions, which made him for the time a neutral, and his course was marked by the most judicious conduct.

With reference to the occupation of San Francisco (or Yerba Buena, as it was then called), we quote from Soulé's *Annals of San Francisco*, that "July 8, 1846, the American flag was on the morning of this day hoisted in the plaza or public square of Yerba Buena by Captain Montgomery, of the U. S. sloop-of-war Portsmouth, then lying in the bay. Two days before Commodore Sloat had dispatched a messenger to Captain Montgomery, informing him of his intention to raise the American flag at Monterey, and commanding him to do the same in the northern parts of the province around the bay of San Francisco. This Montgomery did at the above date, accompanied by a party of seventy sailors and marines and under a salute of twenty-one guns from the Portsmouth. The plaza at this time received the name of Portsmouth Square," and the street lying on the beach was called "Montgomery street. The name of SAN FRANCISCO was given to the town January 4th, 1847 by Lt. Washington A. Bartlett, U. S. N., who was the first Alcalde.

In April, 1849, Commander Montgomery was ordered to the Washington Navy Yard as Executive officer, and detached on leave November

1st, 1851. Promoted to Captain January 6th, 1853. In April, 1857, ordered to command the new steam frigate "Roanoke," at Norfolk, Va., and sailing thence to Aspinwall, returned in August, same year, to New York, with 250 of Walker's filibusters; thence proceeded to Boston, where the ship, requiring repairs and alterations, went out of commission, and all hands detached September, 1857. From this time to January, 1858, on duty as member Court of Inquiry on Retired Officers. April, 1859, Captain Montgomery was ordered to command the Pacific Squadron, and to hoist his flag on the steam corvette Lancaster, at Philadelphia, sailing in June for his destination. While upon this duty it was his fortune to revisit the scene of his service in 1846-8, and everywhere he appears to have been received with sincere gratification. Noticing the arrival of the Lancaster at Mazatlan, a correspondent of a prominent New York journal wrote: "The little harbor of Mazatlan had been honored for the first time since the Mexican war by the presence of a commodore or flag officer. Flag officer Montgomery is the first of his rank in our service who has indicated any interest in the commercial importance of the port. The Lancaster, Captain Ridd, arrived on the evening of the 28th ult. Salutes were exchanged the following day. The Governor and all the officials of the State visited the ship on the 30th, at the invitation of the Consul, and during the afternoon the ship continued crowded with a delighted and wondering multitude. The flag officer returned the visit of the Governor on the 31st, at the Government House, where he was received with the greatest possible demonstrations of respect and with full military honors. Nothing could have exceeded the delicacy of the reception and the marked personal respect which was shown him on all sides. It is said that no such demonstration was ever witnessed in Mazatlan. The Lancaster leaves to-day on a short visit to Guaymas, but will return to this port in about twenty days, and thence proceed to Acapulco, Panama, etc."

While at Panama in October, 1860, a young officer of our fleet was arrested near the British consulate by a guard from H. B. M. ship Clio, Captain Miller, stationed there for the protection of the consulate (during recent local disturbances). Although almost instantly released by the officer of the English guard, the matter came to the ears of Captain Montgomery, who took prompt measures to resent the outrage, and demanded an apology and the instant cessation of all interference with citizens of the United States in their passage through the public streets of the city. The British commander called upon Captain Montgomery and tendered a satisfactory apology "for the error of his subordinate."

When the late war opened Captain Montgomery personally assured himself of the status of his officers by assembling them upon the flagship in Panama Bay and causing the prescribed oath of allegiance to be administered with the most impressive solemnity, setting the example in his own person. Only one officer in the entire squadron—then the largest afloat—declined to take it. Many, supposed to be wavering, were confirmed in their fealty, a result largely due to the energy and patriotic action of the flag officer. Not long after, in the regular correspondence of the New York Tribune from Washington appeared the following:

"In a crisis like the present, when the army and the navy have exhibited so many apostate sons, it is cheering to find such loyalty to the Union as is indicated by the following extract from a private letter of Commodore Montgomery, Flag Officer of the Pacific squadron. * * * As a patriot, an officer and a gentleman he is *sans peur, sans reproche et sans tache*. He says: 'I honestly believe, under an all-wise Providence, that great and permanent good to the Union under our present glorious Constitution will result from our present agitation. I glory in the patriotic course pursued by Major Anderson. For my own part, knowing and having acknowledged no obligation but that which I solemnly swore to the Constitution and Union nearly fifty years ago, it would, indeed, be humiliating to be now reduced to the position of being a citizen of a seceding section of our country; and while two stars and stripes of our proud flag shall be found together I shall adhere to it with my whole heart, affection and devotion. I have great hopes in the wisdom, patriotism and strong sense of Mr. Lincoln, who may, by an all-wise Providence, have been reared for the present crisis in our own history. *That the Union will endure and arise from her present difficulties in greater strength and permanency—I will say, in greater glory than ever—I fully believe.*"

If these memorable words sound prophetic, may we not confidently anticipate the ultimate full and triumphant realization of his patriotic and pious utterance?

January 2, 1862, Captain Montgomery was relieved from command of the Pacific squadron by Captain Bell, taking with him, as reported, "the best wishes of the entire native and foreign population, and of every officer and sailor in the fleet, to all of whom he has endeared himself by his kind and courteous manners, his moderation and good sound sense."

In May following he was ordered to command the Navy Yard at Boston, Mass., where he continued to render very important services in

fitting out vessels, and preparing and forwarding material of war for the immense navy which the Government was compelled to improvise for the emergency. Here Commodore Montgomery (promoted July 16, 1862) was able to display his administrative ability and talent for organization to the fullest extent. He personally supervised all the details of that important station, and applied himself, with all the indomitable energy, perseverance and devotion to duty of his nature, to the interests of the service.

Day and night, with sleepless activity, he was to be found at his office ; and if perchance he sought an hour's rest it was with the injunction to awaken him upon the receipt of any official papers, in order that he might determine their importance. He demonstrated that duty at a "yard," in time of war, might well be the most important, the most arduous, the most "active" service in the world. Relieved December 31, 1863, by Rear-Admiral Stringham, he assumed command of the Navy yard at Washington, where he exhibited the same zeal, tempered with discretion, which was so characteristic of the man, and on the 13th of October, 1865, he once more relinquished his command, with the satisfaction of knowing that his administration had been highly approved by his official superiors and honorable to himself. Public opinion again spoke kindly of him, asserting that "since the establishment of this yard in the year 1804, there never has been a commanding officer here who secured so large a share of high appreciation as John B. Montgomery."

After remaining upon "waiting orders" for a short time he was ordered, July 10th, 1866, to command the naval station at Sackett's Harbor, New York, and on the 25th of the same month was promoted to the grade of Rear-Admiral. He remained in the enjoyment of the society of his immediate family, and near the scene of his early exploits on the lakes under Perry and Elliott until September 1st, 1869, when he was placed on waiting orders at his own request. Having recently lost his wife, Admiral Montgomery selected Carlisle, Pennsylvania, as his residence, where, surrounded by his children and many kind friends, after a public service of more than sixty years, the gallant and venerable sailor passed the rest of his life. He died at that place March 25, 1873, aged seventy-eight years, five months and twenty-three days. We have given an epitome of the public life of a distinguished officer, and have said but little of the private virtues of this really good man. This memoir may be fitly closed with an extract from the funeral sermon, delivered by the Rev. C. P. Wing, D. D., who was intimate with the late Admiral during his residence at Carlisle :

"Much as we admired and loved him before, we now see him with a fullness and vividness we never appreciated while he lingered with us. He has been gathered into the celestial garner in his full ripeness. Even friends who are never ready to give up those who are dear to them must concede that the shock of corn was fully matured when it was gathered. As a faithful citizen and public servant, he had passed through all the gradations of honor which belonged to his chosen profession.—It is as a man and a Christian that we shall most remember him. In these respects he appears greatest, and evidently was most anxious to excel. The honors of a nation depend much upon the accident of circumstances, but one's manhood and religious character are essential to himself, and sure to meet with the most affectionate and permanent recognition. These were the objects of his most constant study, his prayers and his exertions; and no one could have had intercourse with him, even for a few moments only, without being struck with his courteous bearing and his high moral culture. Without ostentation or self-assertion, as all who possess such qualities are apt to be, his opinions on every subject were deliberately formed, quite decisive and cautiously expressed. Invariably respectful toward the rights and views of all around him, his politeness was a marked feature of his character, and never forsook him when most worn down by exhaustion or by pain. Justice and kindness—qualities not always found to go together—were in him happily blended. His intellect was cultivated by extensive reading and study, and his heart was watched over and controlled by the most scrupulous conscientiousness; and yet it was to the Word of God recorded in the Scriptures that he gave the most implicit and child-like submission, and there he sought his highest wisdom. He never appears to have been in the least affected by those speculations which have been directed against the inspiration of the Bible, for having once decided that God's Word was the sole foundation of his hopes, he found no occasion to re-open the question of its authority. He spent much time habitually and for many years in reading that sacred volume, and never seemed to tire of its precious consolations.—This admirable character could not indeed have been formed on weaker natural endowments; but it was grace that gave to them their development and added a delightful charm."

A reminiscence of his cruise on the Pacific coast in 1847 was thus related by the Rev. Dr. Woodbridge in an address delivered before the California Bible Society in March, 1875: "But a short time afterwards that noble, glorious gentleman, Captain Montgomery,

came here in his sloop-of-war, Portsmouth. He went ashore and inquired for the means of grace. Nothing of the kind to be found. 'Well,' said he, 'I will be preacher; I will perform these duties; we will have services every Sunday.' And they did, month after month; and the noble Captain stayed here and proclaimed the truth and read the Word of God, and taught the people the way of salvation. And oftentimes when I go down through that magnificent thoroughfare called by his name and look at those stately edifices, I seem to see them founded on the prayers of that great and good man, who dared to stand up in San Francisco and regularly and constantly present the Word of God to the people."

Admiral Montgomery had two brothers, Alexander Maxwell, M. D., who was Acting-Surgeon's Mate on the Essex, in Porter's fight off Valparaiso, March 28, 1814, and died when in command of the Naval Hospital, Brooklyn, January 3, 1828; and Nathaniel Lawrence, who entered the navy in 1810, when but ten years of age; he was in the fight of the President with the Belvidere, June 23, 1812, where he lost an arm; and was aid to McDonough in his victory, September 11th, 1814, where also he was wounded; he was commissioned as Lieutenant on his sixteenth birthday, the youngest office ever thus commissioned in the American navy; he died in 1825 in the West Indies, of yellow fever, while in service. The Admiral had four sisters: Margaret, wife of John P. Shaw, Purser U. S. N.; Maria, wife of Commodore William S. Inman; Julia, wife of William M. Biddle, of Philadelphia; and Eliza, wife of Bishop McCoskry, of Michigan.

The Admiral married in 1821, Mary, daughter of William Henry.

THEODORE F. RODENBOUGH

CORRESPONDENCE

U. S. SHIP PORTSMOUTH, }
BAY OF SAN FRANCISCO, June 3, 1846. }

Sir.—On the 31st ultimo, the day previous to my sailing from Monterey, a courier from Lieut. Gillespie to the U. S. Consul arrived, bringing the only definite intelligence of your movement and position since my arrival at that port on the 22d of April last. The instructions under which I am now serving and which may detain me until late in the fall, or longer, upon this coast, have relation specifically to the object

of affording protection to the persons and property of citizens of the United States, and of maintaining a watchful care over the general interest of our country without reference in any manner to the enterprise in which you are so actively engaged, the motive and object of which I am ignorant, except so far as I may have been rightly informed by paragraphs casually met with in public prints.

I beg leave, however (availing myself of the return messenger), to assure you, Sir, of the interest I feel in the successful prosecution and issue of the public interests committed to your

direction, and without desiring information further than you may deem necessary to enable me to aid and facilitate your operations, to express my sincere desire and readiness to serve you in any manner consistent with other duties.

Permit me to say, Sir, that if you should find it convenient to visit the United States Ship Portsmouth during her stay in this port, that I, with the officers of the ship, will be most happy to see you.

I shall remain here probably three weeks, unless unforeseen circumstances require an earlier movement, and my present intention is to return to Monterey.

I am, Sir, very respectfully,

Your obedient servant,

JOHN B. MONTGOMERY,

Commander.

Captain J. C. FREMONT,
Upper California.

VERBA BUENA, }
June 9, 1846. }

Sir.—Herewith I have the honor to inclose a requisition for supplies made upon me by Captain Fremont, of the U. S. Topographical Engineers, who is in command of a party of some fifty men engaged upon an important scientific expedition. You will perceive that Captain Fremont states his party to be nearly destitute, and that under the unfriendly feeling of the government of this country, the existing position of affairs, he is unable to obtain supplies, and in any case only at very exorbitant prices.

From the above mentioned circumstances I am induced to enclose this requisition, and respectfully request you to supply the same, or such part of it as you may be able to spare; being fully assured it will afford you great pleasure to render assistance to a different arm of the service, engaged upon a laborious and dangerous expedition, exposed to every kind of danger and the greatest hardships men can endure; oftentimes living upon horse flesh, and at times without any provisions whatever. Captain Fremont is also in want of funds for the purchase of animals, as upon leaving for the United States it will be necessary for him to purchase more horses, his present supply being travel-worn

and almost unfit for the saddle. The exorbitant rate at which the Government bills are exchanged induces me to beg you to supply Captain Fremont with Fifteen Hundred (1500) Dollars, if the same can be furnished without injury to your own particular service, for which he will give the necessary receipts or bills upon the Department. * * * * Captain Fremont is now encamped on the Sacramento, at the mouth of Feather river, where he awaits my return with such provisions as I may be able to obtain. Hoping you will be able to make the supply I will only add, that in the event of the party receiving from you the assistance requested, you may be assured the same will not only be highly appreciated by the President and Departments, confer an obligation upon Capt. Fremont and myself, but will receive the heartfelt thanks of a party of some of the bravest and most determined men, who are happy in suffering privations while serving their country with a zeal and fidelity unsurpassed by any other.

I am, Sir, very respectfully

Yr. mo. obt. servant,

ARCH'D H. GILLESPIE,

1st Lieut. U. S. M. Corps & Special & Confidential Agent for California.

Com'dr JOHN B. MONTGOMERY,

Com'dg U. S. Ship Portsmouth.

U. S. SHIP PORTSMOUTH, }

BAY OF SAN FRANCISCO, June 10, 1846. }

Sir.—Since writing you by Neal on the 3d inst. I have been informed by Lieut. Gillespie of your present position and circumstances and made acquainted with your design soon to proceed South with your party as far as Santa Barbara, before striking across the country for the United States. I am also informed by Lieut. Gillespie of your having expressed to him a desire for the presence of a vessel of war at St. Barbara during the period of your sojourn in the vicinity of that port. Now, Sir, I am happy to say, that I feel myself at liberty to visit any or all the ports on this coast should the public interests require it, and if on the receipt of this you shall still think that the presence of a ship of war at Santa Barbara may prove serviceable

to you in carrying out the views of our Government, and will do me the favour by the return boat to communicate your wishes with information as to the time you will probably reach that part of the coast, I will not fail, Providence permitting, to meet you there with the Portsmouth.

I feel gratified, Sir, to have it in my power to furnish you by Lieut. Hunter with the amount of funds asked for in your name by Lieut. Gillespie, with most of the articles of stores, &c., required to meet the demand of your necessities, regretting only my inability to furnish the whole. You will oblige me by signing the requisition and receipts annexed to the several invoices transmitted by Lieut. Hunter, and with view to the settlement of Purser Jas. H. Watmough's accounts at the Navy Department. * * * Lieut. Gillespie informs me that you may find it convenient to visit the Portsmouth at Santa Barbara should we have occasion to go there. With this prospect in view I beg leave again to assure you that we shall all on board be most happy to see you.

Very respectfully, I am, Sir,

Your obt. servant,

JOHN B. MONTGOMERY,
Commander.

Capt. J. C. FREMONT,
U. S. Top'l Engineers.

NEW HELVETIA, CALIFORNIA, }
June 16, 1846. }

Sir.—I had the gratification to receive on the 6th your letter of the 3d inst., and the further gratification to receive yesterday by the hands of Lieut. Hunter your favor of the 10th, conveying to me assurances of your disposition to do anything within the scope of your instructions to facilitate the public service in which I am engaged. In acknowledging the receipt of the stores with which you have supplied us, I beg you to receive the earnest thanks of myself and party for the prompt and active kindness which we are all in a condition fully to appreciate. My time to-day has been so constantly engrossed that I could make no opportunity to write, and as it is now nearly midnight you will permit me to refer you to Lieut. Hunter for an

account of the condition of the country, which will doubtless have much interest for you.

The people here have made some movements with the view of establishing a settled and stable government, which may give security to their persons and property.

This evening I was interrupted in a note to yourself, by the arrival of Gen. Vallego and other officers, who had been taken prisoners, and insisted upon surrendering to me. The people and authorities of the country persist in connecting with me every movement of the foreigners, and I am hourly in expectation of the approach of Gen. Castro. My position has consequently become a difficult one. The unexpected hostility which has been exercised towards us on the part of the military authorities of California, has entirely deranged the plan of our survey, and frustrated my intention of examining the Colorado of the Gulf of California, which was one of the principal objects of this expedition. The suffering to which my party would be unavoidably exposed at this advanced period of the year, by deprivation of water during intervals of three and four days, renders any movement in that direction impracticable.

It is therefore my present intention to abandon the farther prosecution of our exploration, and proceed immediately across the mountainous country to the eastward, in the direction of the headwaters of the Arkansas river, and thence to the frontier of Missouri, where I expect to arrive early in September.

In order to recruit my animals and arrange my equipage for a long journey, I shall necessarily be compelled to remain here until about the first of July. In the meantime, should anything be attempted against me, I cannot, consistently with my own feelings and respect for the national character of the duty in which I am engaged, permit a repetition of the recent insults we have received from Gen. Castro. If, therefore, any hostile movements are made in this direction, I will most assuredly meet or anticipate them, and with such intentions I am regulating my conduct to the people here. The nature of my instructions, and the peaceful nature of our operations do not contemplate any active hostilities on my part, even in the event

of war between the two countries; and therefore, although I am resolved to take such active and precautionary measures as I shall judge necessary for our safety, I am not authorized to ask from you any other than such assistance as, without incurring yourself unusual responsibility, you would feel at liberty to afford me. Such an emergency could not have been anticipated in any instructions; but between Indians on the one hand and a hostile people on the other, I trust that our Government will not severely censure any efforts to which we may be driven in defense of our lives and character. In this condition of things I can only then urgently request that you will remain with the Portsmouth in the Bay of San Francisco, where your presence will operate strongly to check proceedings against us, and I would feel much more security in my position should you judge it advisable to keep open a communication with me by means of your boats. In this way you would receive the earliest information, and you might possibly spare us the aid of one of your surgeons in case of accident here. Repeating my thanks for the assistance you have rendered us, and regretting my inability to visit you on board the Portsmouth,

I am, very respectfully,

Your obdt. servant,

J. C. FREMONT,

Bt. Capt. Top'l Engineers, U. S. Army.

Capt. JOHN B. MONTGOMERY,

U. S. Ship Portsmouth, &c.

U. S. SHIP PORTSMOUTH,
AT SEA, GULF OF CALIFORNIA, }
March 27, 1847. }

Sir.—I had the honor to address you briefly from San José on the 15th ult. by an English brig bound to Monterey, announcing my arrival at this Port, and inclosing for your information a letter from Jas. Parrott, Esq., written on the 10th of December at Havannah, detailing matter of intelligence, relating to the progress of the war, which could not fail, I think, to interest you, a copy of which I herewith enclose, supposing the original may not have reached you.

I arrived at my station off Mazatlan on the 17th of February, and at once made known the blockade of the port by transmitting through

Capt. Duntze of H. B. M. Frigate Fisgard to the Governor and resident consuls at Mazatlan, copies of the general proclamation of August last (furnished with my instructions for the purpose), with a written notice of the presence of a naval force and the establishment of the blockade of the port, agreeably to verbal directions from Commodore Stockton to declare and make known the blockade in respect to Mazatlan alone (my force being inadequate to more extended operations), and to continue in this duty until the arrival of the Erie, or an opportunity should offer for leaving in safe hands a written order for Lieut. Comd't Turner to proceed to San Diego. Almost immediately I received letters protesting against, and offering objections upon different grounds, to the enforcement of blockade, and claiming privileges, the allowance of which would have been wholly incompatible with my duties, and leading to official correspondence with the Commanders of H. B. M. Frigates Fisgard and Constance and the vice consul of Spain residing at Mazatlan—which, with a letter addressed to the Prussian Minister at Mexico, and one to the Governor of Mazatlan, with his answer respecting prisoners, I have the honor herewith most respectfully to submit to your consideration. Enclosed also are copies of two letters in French from the Prussian Minister at Mexico, addressed to Commodores Sloat and Stockton, but on their envelopes directed also to the officer in charge of the blockading force of Mazatlan several months before my arrival. I deemed it proper to acknowledge their reception and express my purpose of transmitting them to the Commander-in-Chief with all convenient speed, which I hope, Sir, may meet your approbation. * * * The conference alluded to in the last two letters of correspondence with Sir Baldwin Walker took place on the 2d inst., soon after my first letter in answer to his protest of the 27th had been sent, and continued probably an hour or more, during which the points at issue between us were in a friendly spirit freely discussed, resulting in an arrangement that captains or supercargoes of English (and of course neutral) vessels arriving off this port should be allowed to communicate with their consignees on shore, with a view

to fresh instructions, before sailing for another destination, and that the duties of the blockade should not be interfered with. I could not but regard the allowance of communication under the circumstances as being strictly just to neutral interests, as since the withdrawal of the Cyane and Warren from this coast in October and November last an impression has been widely extended throughout the Pacific—and reaching Europe as early (I believe) as the beginning of January last—that the blockade had been raised, and that obstacles to free commerce with the ports on the west coast of Mexico no longer existed.

The same privilege, you will observe, is claimed by the Prussian Minister in his letter of the 4th January, with the remark that such concession "has not been refused to the German ships arriving off Vera Cruz by the Commander of the American Fleet in the Gulf." The insufficiency of my force having been urged by the Spanish consul as an objection to enforcement of the blockade—the justice of which I began sensibly to realize—I placed an officer and twelve men from the Portsmouth, with a six-pounder and small arms, on board of a prize schooner, with orders to block up the entrance to the old port—the Portsmouth having charge of the main harbor, across the entrance of which she was anchored so close in as effectually to intercept everything attempting to pass. * * *

On the 25th of March, finding my stock of provisions getting very low—the crew having been confined to half allowance of bread since leaving California—and some part of the rations entirely exhausted, I deemed it proper (if possible) to provide for the speedy execution of duties assigned me on the west shores of this Gulf, which seemed the more important since hearing from Mexico that a large extent of said shores were embraced within the line of 26° of latitude recently proposed by our Government as the boundary between the United States and Mexico. * * * To close my report of service off Mazatlan it only remains to inform you, Sir, that on the 11th inst. Lieut. Revere, in charge of the prize tender *Josen Eliza*, stationed near the old port, captured the Mexican schooner *Magdalena*, from Guaymas bound to Mazatlan, with a cargo

of upwards of forty thousand pounds of flour, which for better preservation I received into my empty bread-rooms, and employed this vessel (of 25 tons) in the service of the blockade until the day of my departure, when finding her very frail and unsafe, even to accompany us across the Gulf—rather than destroy her I yielded to the earnest solicitation of the Spanish consul (the late consignee of the vessel and cargo) and turned her over to him to be restored to her former proprietor, who was represented to be an indigent and worthy resident of Guaymas.

I have the honor to enclose a statement of the names and flags of neutral vessels fallen in with and warned off from this port of Mazatlan during its blockade by the Portsmouth.

I have, &c.,
JNO. B. MONTGOMERY,
Commander.

Commo. JAMES BIDDLE,
Commd. in Chief of the
Naval Forces of the U. S. in the Pacific.

U. S. SHIP PORTSMOUTH,
SAN JOSÉ, L. CALIFORNIA,
April 22, 1847.

Sir.—By Lieut. Revere I have the honor to inform you that after effecting an arrangement with the Commander of the British Frigate *Constance* at Mazatlan for the certain delivery of a letter to Lieut. Commandant Turner, of the *Erie*, in the event of his appearing off that port, I sailed from thence for this coast on the 25th of March and arrived here on the 29th; after exchanging communications with the authorities on shore, a force was landed from the ship and the Flag of the United States hoisted in place of the Mexican on the 30th of March under a national salute; from thence I sailed for San Lucas, where the flag was hoisted on the 3d inst., and at La Paz, the capital, on the 13th inst.

The authorities and people generally have manifested a friendly disposition toward us, and appeared satisfied with a change of Flags. * *

The blockade of Mazatlan was effectually maintained by the Portsmouth for nearly six weeks, although generally opposed and protested against on the ground of illegality, and the ser-

vive was not relinquished until I had satisfactorily secured the means of communicating Commodore Stockton's orders to Lieut. Commandant Turner as directed, and the low state of my provisions admonished me of the necessity of immediate attention to duties assigned me on this coast. I think it proper, Sir, with the view of averting from others the serious embarrassments through which I deemed it my imperative duty (in obedience to specific orders) to persevere in maintaining the recent blockade of Mazatlan, to apprise you that unless commencing *de novo* by proclamation, any attempt to re-establish a blockade of one or more ports short of all named in Commodore Stockton's proclamation of August last, will be strenuously opposed by the representatives of neutral powers. Nothing but the amicable forbearance and courtesy of Sir Baldwin Walker, of H. B. M. Frigate Constance (such as could only with safety have been exercised by a superior to a very inferior force) prevented a serious difficulty (possibly collision between our ships) growing out of conflicting orders respecting the blockade.

Having captured at Mazatlan a small Mexican vessel with 42,450 pounds of flour and some olives, I have caused two ovens to be built on shore at this place in order to bake up 10,000 pounds for the use of my crew, our present supply being nearly exhausted (although confined to half allowance of bread only since leaving San Diego), and forwarded the residue by the Admittance, several articles of provisions and stores are already exhausted, and the quantity of others on board will allow of my continuance here only twenty or twenty-five days, when unless supplied, I shall be compelled with great reluctance to leave a station where several vessels might, I think, be most advantageously employed in cutting off succours from the enemy, and breaking up a most iniquitous traffic and intercourse between American ships and San Blas, Mansinillo and other Mexican ports to the south of the Gulf, which I have every reason to believe is now carrying on, for the encouragement of which a proclamation has been issued by the authorities at Tepic. * * * I enclose, Sir, the various items of news received from Mexico, which will be found highly inter-

esting; one of the sheets contains the proposition recently made by the United States to the Mexican Government, by which it will be seen that a great portion of this Gulf is enclosed within our proposed boundary; it will undoubtedly require some modification before accepted by Mexico. I have, &c.,

JNO. B. MONTGOMERY,
Commander.

The Commander in Chief
of the Naval Forces of the
United States in the Pacific.

NAVY DEPARTMENT, }
July 29, 1847. }

Sir.—In transmitting to you the enclosed copy of a note and its enclosures received at the Department of State from the Chargé d'Affaires of Great Britain, I avail myself of the occasion to express the satisfaction with which the Department has observed the proof that you have succeeded in performing the delicate duties entrusted to you by the Commander of the Pacific Squadron, without infringing the rights of neutrals.

I am, Sir, Respectfully,
Your obt. servant,
J. Y. MASON.

Comdr. J. B. MONTGOMERY,
Comdg. U. S. S. Portsmouth,
Pacific Squadron.

DEPARTMENT OF STATE, }
WASHINGTON, 23d July, 1847. }

Sir.—I have the honor to transmit to you herewith a copy of a note and its enclosure just received at this Department from the Chargé d'Affaires of Great Britain in this city, expressing the acknowledgements of the British Government for the kind and considerate manner in which Captain Montgomery, of the U. S. Frigate Portsmouth has conducted himself towards British subjects while he has been employed in blockading the Port of Mazatlan.

I have the honor to be
Very respectfully, Sir,
Your obt. servant
JAMES BUCHANAN.

Hon. J. Y. MASON,
Secretary of the Navy.

WASHINGTON, 22d July, 1847.

Sir.—I have much satisfaction in transmitting to you herewith the copy of a dispatch in which I am instructed by Her Majesty's Principal Secretary of State to convey to the United States Government the acknowledgements of Her Majesty's Government for the kind and considerate manner in which Captain Montgomery, of the United States Frigate Portsmouth, has conducted himself towards British subjects whilst he has been employed in blockading the Port of Mazatlan.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

The Hon'ble JAMES BUCHANAN,
&c., &c., &c.

[No. 4.]

FOREIGN OFFICE, }
June 30, 1847. }

Sir.—Captain Sir Baldwin Walker, command-

ing Her Majesty's Ship Constance, on the west coast of Mexico, has mentioned in his reports in very favorable terms the kind and considerate manner in which Captain Montgomery, of the United States Frigate Portsmouth, has conducted himself towards neutral vessels whilst he has been employed in blockading the Port of Mazatlan, and I have to desire that you will take an opportunity of conveying to the United States Secretary of State the acknowledgements of Her Majesty's Government for Captain Montgomery's courteous treatment of British subjects upon this occasion.

I am, &c., &c.,
PALMERSTON.

J. F. CRAMPTON, Esq.,
&c., &c.

NOTE.—The correspondence between Commander Montgomery and the representatives of foreign powers during the blockade (referred to in the foregoing) although extremely interesting is omitted.

LETTER OF
LAWRENCE WASHINGTON

PRELIMINARY NOTE.—Lawrence Washington was the son of Augustine Washington and Jane Butler, his first wife, and the eldest half brother of General Washington.

When quite young he manifested a military taste, and seems to have been animated by that heroic impulse which afterwards inspired his distinguished younger brother. In his brief life and services he proved himself a brave soldier, showing he inherited the warlike spirit of his ancestors, the bold De Wessyngtons. He first went to the wars with General Wentworth, who taking four thousand men with him, engaged in an expedition against Carthegena, in South America, aiding the naval forces there, conjointly in command with Admiral Vernon.

In this expedition the British troops, both sailors and soldiers, suffered terribly from pestilence consequent to the climate, which decimated the ranks. Lawrence Washington then contracted the seeds of disease which lingered for years in his system and finally proved fatal.

He seems especially to have won the favor and confidence of Admiral Vernon, who continued a friendly correspondence with him for some years afterwards, and bestowed upon him a medal struck in commemoration of the capture of Porto Bello.

It seems at one time to have been Lawrence Washington's intention to go to England and join the regular army, as his taste and training inclined him. The old French proverb says, "*La*

carrière ouvert aux talents," the implements to him who can handle them. And this brother of our *Pater Patrie* seems peculiarly to have possessed that courage and faculty to act—to do; to which Carlyle, in his *Heroes and Hero Worship* applies the German term, "*Tugend* (*Taugend*, *dow-ing* or *Dough-tiness*.)"

But he was young—and he loved. Cupid oft makes havoc of hearts that shot and cannon balls spare. So he who had hitherto been victor was vanquished, and surrendered at discretion to the charms of Anne Fairfax.

She was the daughter of the Honorable William Fairfax, of Belvoir, formerly a distinguished officer in the British army, then President of his Majesty's Council in the Colonies, and a gentleman of high consideration. They were betrothed in the spring of 1743, and married in July of the same year.

By the recent death of his father Lawrence had inherited, according to his will, the fine estate of Hunting Creek, on the Potomac near Alexandria. Here, on a beautiful and commanding eminence, he erected the simple, substantial mansion that has since become our American Mecca, calling the spot in honor of his gallant friend the Admiral, Mount Vernon. Having settled in his home with his lovely bride, Lawrence became a man of prominence, not simply from his wealth and position, but from his fine talent and ability. He was a member of the Virginia House of Burgesses and also Adjutant-General of his district. Besides this, he was agent for his cousin, Lord Fairfax, in the management of his immense estates.

Over his boy brother George he watched with almost paternal care and tenderness, having him frequently at Mount Vernon as a favorite and petted guest. George was only eleven years of age when his father died.

But in the midst of his usefulness and popularity, young and beloved, Lawrence's health finally failed so seriously that he took a trip to Bermuda, hoping to be benefitted. Here he grew rapidly worse, and feeling there was no hope returned to his home and soon afterwards died, at the early age of thirty-four. To his only child, an infant daughter, he bequeathed his estates; and in the event of her death without heirs, to his brother George. Into his hands, by this child's early demise, the property finally reverted. Thus General Washington became the master of Mount Vernon. He extended the house very considerably by the addition of a large room at either end. One was the library; the other, a lofty, beautiful room, is called the Banquet Hall.

In the writer's possession there is a portrait of Lawrence Washington. The fine, oval, youthful face is singularly handsome, but has in it that expression of strange, thoughtful seriousness, that seems the foreshadowing of fate to those the "love of the gods" has doomed to die young. His complexion is dark as a Spaniard's. The eyes deep, large, earnest, under strongly marked, well-arched, black eye brows, seem to have caught their dusky splendor from a summer midnight. The mouth is finely curved, its expressive lips are full of tender possibilities. He has a noble forehead, high and broad; a handsome aquiline

nose, and firm clear cut chin. His hair is arranged in a queue behind, slightly raised above the brow and smoothed on either side, with formal curls over the ears that are sable in hue and silken as the eye brows and long lashes. He is dressed in the British uniform, red coat and blue vest, displaying a portion of the ruffled shirt above. A black chapeau is under his arm, ornamented with bow and button on its side of velvet and pearls. In his gallant bearing there is a glint of the old time cavalier.

The following interesting letter, written by Lawrence Washington to his father, giving a full account of the Carthegena expedition, has never before been published.

The resolute character of the writer forcibly expresses itself where he says, "I am resolved to persevere in the undertaking," and have "learned to live on ordinary diet, to watch much, and disregard the noise or shot of cannon."

Is it not probable that the noble example of the elder brother may have exercised a strong influence upon the character of the younger one. Such as this brief sketch has outlined him, was the owner and founder of Mount Vernon. ELLA BASSETT WASHINGTON

TO CAPT. AUGUSTINE WASHINGTON, AT
FREDERICKSBURG, VIRGINIA

HON'D SIR: I have long expected the favour of a letter, but to my great concern, never yet rec'd one from Virginia, tho I have writ many. I shall avoid saying much of our Carthegena Expedition, the success of which you will soon have in print. We, in short, destroyed eight forts, six men-of-war,

six gallioons and some merchant ships ; what number of men they lost we know not ; the enemy killed of ours about six hundred and some wounded, and the climate killed us in greater numbers. Vast changes we have in each regiment ; some are so weak as to be reduced to a third of their men ; a great quantity of officers amongst the rest are dead. Col. Gooch rec'd a wound but is very well recovered.

What we are next to do is a secret, some talk of the Havanna others Panama, some la vera Cruz, but perhaps others more probably St. Iago de Cuba.

We are all tired of the heat and wish for a cold season to refresh our blood. I mentioned the extravagance of this Island before, but they have now raised the price of everything that I really believe I shall be under a necessity of drawing Bills. I have remained on board Admiral Vernon's ship ever since we left Hispaniola vastly to my satisfaction.

Our Regiment has not rec'd that treatment we expected but I am resolved to persiver in the undertaking. War is horrid in fact but much more so in imagination. We there learned to live on ordinary diet, to watch much and disregard the noise or shot of cannon. I hope my lotts are secured, which if I return shall make use of as my dwelling. We take many valuable prizes but no doubt they are all inserted in your papers from the Jamaica.

I hope the hundred pounds I owe Mr Wm Gooch is either discharged or the interest punctually p'd. Most people imagine our Regiment plac'd on the very best footing and that we shall be continued in North America, but I

hope not at the expense of the Colonies.

Some talk of recruiting in America. If so I shall apply for one and there do the best I can to inform you of the affair which however is so intricate and contradictory that I do not care to assert any particulars, the Sea and Land forces relate it differently. If the sailors can claim much honour I pertake of it as Capt of the soldiers who acted as Marines ; but we meet no opposition though really some of the attempts were bold or rather rash.

Most of our American Transports are discharged wherefore imagine it no sign of our speedy return. My best respects to my Mother, Aunt, Bro,s, sisters, &c. I am Hon'd Sir

Your ever dutiful Son,

LAW'CE WASHINGTON.

JAMAICA, *May 30th, 1741.*

SUPPLEMENTARY NOTE.—Among the relics that have been presented to the Ladies' Mount Vernon Association is an antique engraving of Admiral Vernon, which may be seen by visitors in the show case at Mt. Vernon. He has a fine broad, good-humored face, thoroughly English in contour, and wears a full flowing wig, with the long vest and elaborately-trimmed coat of the period ; also the insignia of his rank and position.

There is a stretch of sea at the back of the picture, with ships in a naval engagement. The Admiral's hand grasps a sword, and at his side is seen a cannon. ELLA BASSETT WASHINGTON

THE FAMILY OF PENN

From the London Morning Chronicle

We have been highly amused by a letter to the Courier from "Wm. Penn,

one of the Hereditary Lords, Proprietors and Gouvernor-Generals of Pennsylvania," who is mightily offended that President Victoria should in his address have spoken of the "examples of Penn, Washington, Jefferson and Bolivar," and flatters himself that he has fulfilled his duty in rescuing his "great grandfather's memory from a foul association with the executioner of the heroic André, the patron of the miscreant Paine, and the marauder of Peru."

LONDON, Dec. 24, 1824.

To the Editor of the Courier :

"SIR : Through the channel of your kindness, I wish to submit to the public the impression made on my mind by the address of President Victoria, as reported in your paper of the 23d instant. In no small degree I claim a right of personal interference on this occasion conceiving, as I do, the right which our law invests in the representatives of ancient and honorable families, of watching over and protecting the monumental trophies of their ancestors, as typical of the imperious duties owed by them to the memory and fame of the distinguished dead, from whom they trace their descent. In the composition in question (which from the specimen which you have inserted of it savours more, in my opinion, of the puppet show than of the Cabinet school) the examples of Penn, Washington, Jefferson, and Bolivar are brought forward as parallel incentives to a line of policy which I hesitate not to brand with the imputation of rank Jacobinism.

"In preposterously pressing the authority of my justly celebrated progenitor into such a company, the old adage of

ab uno disce omnes is unfairly and perversely travestied into *omnibus disce unum*. Though bowed down to the ground, under the loss of feudal power superior, and territorial opulence equal to any now enjoyed by any of the families now ranged beneath our gracious sovereign's imperial and paternal throne, no Member of the House of Pennsylvania will ever swerve from those principles of devoted loyalty and uncompromising consistency which induced its founder to repay the well-placed confidence and merited munificence displayed by King Charles the Second, in a charter granting privileges as proud as an English monarch ever invested in an English subject, by a zeal in behalf of his unhappy brother's sinking and desperate cause, so prominent as to include his name in one of King William's earliest proclamations, along with those of Lords Clarendon, North and Darmouth, and Bishop Kent. By alluding to this single fact, prominently placed on historical record, I flatter myself that I have fulfilled my duty in rescuing my great grandfather's memory from the foul association with the executioner of the heroic André, the patron of the miscreant Paine, and the marauder of Peru. I should not be at all surprised to find M. Victoria following up the theory, which he has so ingeniously struck out by coupling the name of Louis XVI. with those of La Fayette, Robespierre, and Bonaparte.

"I am, Sir yours &c.,

"WILLIAM PENN,

"*One of the Hereditary Lords, Proprietors and Governor-Generals of Pennsylvania.*"

Bravo, descendant of William Penn—

bravo, ex-hereditary Lord of Pennsylvania! "Though bowed down to the ground *under the loss of feudal power* equal to any now enjoyed by any of the families now ranged beneath our gracious sovereign's imperial and paternal throne," yet the example of the House of Bourbon has not, it would appear, been lost on the representative of "the House of Pennsylvania."

Ah, to think of the mortification of a member of the house of Pennsylvania—a house which, in the memory of some Scotch Highlander, perhaps, was about ten times greater than the House of Brunswick, to think only of his celebrated progenitors being compared to the *marauder of Peru*!

How different the latter end of a house from the beginning! Think only of a great grandson of William Penn, who when Charles II. sent an order down to Oxford, that the surplice should be worn according to the custom of ancient times, fell upon those students who appeared in surplices, and tore them every where over their heads; who stood it out so lustily against constables; and who in his most celebrated work, "No Cross, No Crown," spoke so contemptuously of the proud man that is mighty big with the honour of his ancestors, and can tell you of his pedigree, what estate, what matches, but forgets that they are gone"; to think of the descendant of such a man, affecting to defend his memory, and in the same breath dwelling with complacency on his late feudal power and territorial opulence. But let us not trample on the fallen. The foible of the Representative of the House of Pennsylvania, Ex Lord

Proprietary and Feudal Chief, is as harmless to others as the poor inmate of Bedlam, who struts about in his cell, his brows bedecked with a paper crown. Would that all the representatives of great Houses were as little capable of injuring others!—*The Globe and Emerald, New York, June 3d, 1825.*

NOTES

JOHN HARING.—In Colonel Ward's article in the April number of the Magazine, it is stated that Orange county sent John Herring to the Continental Congress of 1774. This is an error of spelling which many historians fall into, who mention John Haring. Mr. Bancroft apparently overlooks him, making the number of members of this Congress to have been 55. John Haring was undeservedly omitted in the Biographical celebration in Independence Hall, July 1st, 1876. He took his seat in the Continental Congress on September 26th, 1774. Before the signing of the Articles of Association he went home, for private reasons, and not on account of disaffection. His attendance at the Congress appears to have been punished by his removal from the office of County Judge, to which he had been appointed March 29th, 1774. He was elected to the Continental Congress of 1775, but gave satisfactory reasons for not going. He served in the Continental Congresses of 1785, '86 and '87. He was a member of the first four Provincial Congresses of New York; under the State Government he was County Judge from 1778 to 1788, and State Senator from 1781 to 1790. He was a member

of the New York Constitutional Convention of 1788, and voted against the adoption of the Federal Constitution.

He resided in Orangetown, New York. John Harings have been as common there as John Smiths elsewhere, a fact which renders it difficult to determine the birth and death of any particular one. However, I am informed by Mr. Blauvelt, the pastor of the Dutch Reformed Church at Tappan, that an aged inhabitant told him that Judge Haring is the person commemorated as follows :

"Sacred to the memory of John Haring, Esq., who departed this life April 1st, 1809, aged 69 years, 5 months and 22 days."

Among the early settlers of Orange county there were four Harings—Abraham, Pieter, Cornelis and Cozyn. Their respective wives were Derichea, Gritje, Cathe and Marytie. Abraham was born November 14, 1681, and died March 18, 1772. His eldest son, Abraham Haring, Jr., was born October 20, 1709, and died November 29, 1791. He married Martyntie Boomgaeret. According to a baptismal record, their son Jan was born September 28, 1739. This converted to New Style agrees with the gravestone quoted above. F. BURDGE.

BLOCK ISLAND.—Mr. De Costa, in his article on Verrazano (II 267) says : "This triangular island (meaning Block Island), which, after the mother of Francis I. he called *Luisa*." This is an error ; it was called *Claudia* by Verrazano, as you will see by the reduced fac-simile of the map in the Catalogue of the Carter-Brown Library.

J. R. B.

A LANDMARK DESTROYED.—The old cedar tree at Weehawken, beneath which the duel between Hamilton and Burr was fought, July 11th, 1804, has been recently cut down. It stood about 150 yards south of the toll-gate, and east of the railroad track. As it was in no one's way, its destruction must have been the work of ignorance or vandalism. I have a distinct recollection of seeing it standing, in December or January last, when I took a winter afternoon's walk from Weehawken to Hokoken. The stump of the tree is still visible.

C. W.

BRANDYWINE.—It is said that General La Fayette disapproves of the proposed commemoration of the battle of Brandywine, because it was a defeat, which, he thinks, ought not to be celebrated, although his blood was first shed there in the cause of independence. Besides, he expects by the 11th of September to be on board of the Brandywine—not only out of the fresh water, but, perhaps, half seas over.—*Democratic Press*, July, 1825.

W. K.

A TRAVELED MOHAWK.—A Boston paper says: "In the late vessel from France came passenger Peter Otsiquette, who we are told is a son to the King of the Six Nations, and whom the Marquis de la Fayette some time since sent to France to be educated. He speaks the French and English languages with accuracy, and is acquainted with most of the branches of polite education—musical, &c., and is on his way to the Indian country."—*Daily Advertiser*, August 6, 1788.

J. A. S

INDIAN ANTIQUITIES IN RHODE ISLAND. An Indian pottery establishment has been discovered in the town of Craigton, Rhode Island. It has been lately visited by the President and the Librarian of the Newport Historical Society. Some unfinished dishes were found by them of the Indian manufacture, and were secured for the Society's cabinet at the Redwood Library in Newport. The establishment consists of a large cave of soft limestone. This cave was the seat of a large manufacture, and evidently many vessels have been taken from it for the Indians' use. In the cave some of the dishes have been left half finished, and some broken in the manufacture. The Indians used chisels and hammers, formed of a hard stone found in the neighboring hills. With these rude instruments the Indians made their articles of pottery, which, before the arrival of Europeans on these shores, they probably distributed throughout the length and breadth of the land.

Newport, R. I.

D. K.

CONGRESSIONAL ETIQUETTE.—Letter from John Jay to Don Diego Gardoqui, the Spanish Ambassador :

"Office for Foreign Affairs, }
"21st June, 1785. }

"Sir—I have received the letter you did me the honour to write on the 2nd June instant. The etiquette which will be observed on your reception by Congress is as follows, viz. :

At such time as may be appointed by Congress for a public reception, the secretary for foreign affairs will conduct you to the Congress chamber, to a seat to be placed for you, and announce you

to Congress; the president and members keeping their seats and remaining covered. Your commission and letters of credence are then to be delivered to the secretary of Congress, who will read a translation of them, to be prepared by the secretary for foreign affairs from the copies to be left with the president. You will then be at liberty to speak (and if you please, deliver to the secretary of Congress in writing) what you may think proper to Congress, who will take what you may say into consideration, and through the secretary for foreign affairs will communicate whatever answer they may resolve upon. When you retire, you will be reconducted by the secretary for foreign affairs. A visit will be expected by every member of Congress, as well those who may then be in town as others who may afterward arrive during your residence here."—*Life of Jay*, I, 200.

J. A. S.

ANECDOTE OF COMMODORE JOHN RODGERS.—"Whilst Captain Rodgers was in the merchant service he commanded a ship named the *Jane*, belonging to Baltimore. On a voyage in this ship he was in Liverpool during an election for members of Parliament.

"According to the laws of England, the military are removed three miles without the city. A flag representing General Tarleton (then a candidate) on horseback, trampling the American colours under foot, was paraded through the streets of Liverpool. This flag caught the eye of Captain Rodgers, and as he at that time, though a seaman, actually was a member of Col. Washington's Troop of Horse in Baltimore, and had

his regimentals on board his ship, he hesitated not a moment, but equipt in that uniform, and accompanied by a friend, undertook and did demand at the hustings from General Tarleton: 'Why is the American flag represented in that degraded state?' The General replied: 'You have run a great risk of your life, but I assure you that I am entirely ignorant of such display. I will, however, sir, endeavour to suppress it,' adding 'the mob rules here during elections.' After this had past, Tarleton observed: 'Your uniform is military; pray, sir, tell me what corps it is attached to.' 'Sir,' replied Rodgers, with his hand touching the cuff of his coat, 'this is the uniform that was worn by Colonel Washington at the Cowpens.' It is well known that Washington defeated Tarleton there during our revolutionary contest. Tarleton was pleased with this spirited conduct, and, officer like, esteemed Captain Rodgers for the love he bore for his country, and sent him an invitation to dinner after the election was over."—*Public Advertiser*, June 10, 1811.

W. K.

A FROLIC AT THE WALTON'S.—If there were giants in those days they were not above a jollification occasionally, if not very often. Hear William Livingston's confession to Miss E. T. (we spare blushes of her shade), in a letter of the 17th Nov., 1744. "As but a few days have elapsed since your departure hence, nothing momentous has happened either relating to births, deaths or marriages, which when they offer or any other thing material I shall give you as fresh information as my hermetical kind of life will

permit. However, I must not omit that we had the wafel frolic at Miss Walton's talked of before your departure. The feast, as usual, was preceded by cards, and the company so numerous that they filled two tables; after a few games a magnificent supper appeared in grand order and decorum, but for my own part I was not a little grieved that so luxurious a feast should come under the name of a wafel frolic, because if this be the case I must expect but a few wafel frolics for the future; the frolic was closed up with *ten sunburnt virgins, lately come from Columbus, Newfoundland*, and sundry other female exercises, besides a play of my own invention, which I have not room to describe at present; however, kissing constitutes a great part of its entertainment."—*Sedgwick's Life of William Livingston*. MOMUS.

FRENCH DOCUMENTS RELATING TO AMERICA.—Attention has been invited in the Magazine to the first two volumes of an important series of documents concerning the discoveries and settlements of the French in the West and South of North America. The series it is understood, will comprise three volumes on the discovery of the lakes and the Mississippi, made up from the writings of D. de Casson and Gallinée, Joliet and Marquette, C. de La Salle, Tonti, Joutal, &c.; one volume on the settlement of Detroit and of the lakes, from Du Lhert, de la Mothe, Cadillac & Co.; two volumes on the colonization of Louisiana and the shores of the Gulf, from d'Her ville, Bienville, Penicaut, &c.; one volume on the intermediary ports, from Bis sot de Vincennes (Indiana), Bourgmont

(Missouri), Juchereau de St. Denis (Natchitoches) Fort du Quesne (Pittsburgh), &c.; two volumes on the Far West, from the Varennes de la Veranderye (father and son), Boucher de Niverville, &c.

These volumes are printed verbatim from the French text. One of them contains a charming mezzotint portrait of Cavalier de la Salle. The expense of the undertaking is borne by the United States Government. A careful translation should be made. EDITOR.

A DISTRESSED LOYALIST.—One very cold day last winter (says a late London paper) a group of paupers, thronging the gate of Northumberland House, one of them contrived to throw a letter into the court yard, directed to the Duke, the contents of which were that "Peter L—y, Esq., late of Maryland, stood among the crowd of beggars for charity." In about an hour a servant opened the gate, and called out, "Peter L—y," who then went into the house, and the Duke, enquiring into the cause of his misfortunes, made him a present of thirty guineas.—*N. Y. Packet, Sept. 28, 1786.*

PETERSFIELD.

THE IROQUOIS FORT.—Mr. John Gilman Shea, we are glad to learn, is editing for General John S. Clark, of Auburn, the result of his investigations as to the route taken by Champlain in his expedition of 1615 against the Iroquois, and the site of the Fort or Castle attacked by the French with their Indian allies. General Clark could not have put himself under surer guidance or in better hands. We have a foretaste of the book we presume in the note on "Champlain's

Expedition into Western New York, in 1615, and the recent identification of the Fort by General John S. Clark" in the last number, No I. of vol II., of the Pennsylvania Magazine of History and Biography.

Mr. Shea takes occasion to call attention to an erroneous interpretation of General Clark's location of the Fort [I-572] an inadvertence which was corrected in the next number [I-632].

General Clark's conclusions are looked for with great interest, when we expect to hear from both Mr. Marshall, and Mr. Geddes in reply. EDITOR.

THE VERRAZANO PORTRAIT.—The statement of Mr. de Costa, that the portrait which accompanies his article on the letter of Verrazano, in the February number was "faithfully reproduced for the first time" to accompany his article, although literally true, is yet subject to explanation. If by *faithfully* he meant that it was a fac-simile from the plate in the volume of "Uomini Illustri Toscani" a copy of which is in the Astor Library, he is correct, but it is just to Messrs. Bryant & Gay, the editors of a Popular History of the United States, to say that a wood-cut from the same portrait may be found on page 176 of that valuable work. EDITOR.

QUERIES

FAMILY OF COLONEL GEORGE CROGHAN.—What, if any, was the relationship between Colonel George Croghan, the Indian agent and trader, who was sent on an expedition to the Ohio after the peace of 1763 and General George Croghan, who so bravely defended Fort

Stephenson in the war of 1812, and who was afterwards U. S. Inspector-General?
W. C. P.

CURIOSITIES OF THE PRESS.—During the visit of Lafayette to New York in the Summer of 1825, copies of the Brooklyn Star and Long Island Patriot, containing the proceedings of the celebration of the Fourth of July, were elegantly printed on satin for presentation to the distinguished patriot. Have any of these curious impressions been preserved?
PETERSFIELD.

KNIGHTING OF GENERAL AMHERST.—When General Amherst arrived in New York in 1760, after the conquest of Canada, he was invested with the insignia of an English order of knighthood by General Monckton. Dunlap states that it was the order of the Garter, and other writers subsequently have repeated the statement. But was it the order of the Garter?
J. B. B.

E PLURIBUS UNUM.—What is the history of the motto on our coins—"e pluribus unum"?
POPULUS.

THE KINGS OF CANADA.—Smith's description of the Indian sachems who visited England in 1710 corresponds fully with the plate printed in the March number of the Magazine (II, 152), and explains the use of the European mantle in lieu of the Indian blanket. These plates, complete in the Carter-Brown-Library, are to be found separately in other collections. They are in mezzotint, and about a foot in length, but they cannot be the "*small cuts sold among the people*," to which Smith

alludes. Can any one give information as to the existence of any of these "small cuts" in this country?

ILLUSTRATOR.

REPLIES

DE CÉLORON'S PLATE.—(II, 129, 308.) I find in the May number of this Magazine a communication from R. S. Robertson, of Fort Wayne, Indiana, stating that he finds a discrepancy between the narrative of De Céloron, as given by me, and the accompanying chart of Father Bonnecamps. He says that the *Fort des Miamis* is designated on the chart as one of the places where leaden plates were deposited; whereas the narrative states that the sixth and last plate was buried at the intersection of the great Miami and the Ohio. He therefore calls for an explanation.

Mr. Robertson has mistaken the mark on the chart which Father Bonnecamps used to represent the position of *Fort des Miamis*, for the character by which he denoted the places where the plates were deposited. Mr. Robertson will find, on a close examination, that that *mark* is in the form of a *greek cross*. The burial sites are designated by the Bourbon *fleur de lis*, of which there are only six on the map, the one, representing the plate last buried, being at the confluence of the Great Miami with the Ohio.

In order to adapt the chart to the size of the magazine, the scale had to be so reduced that some of the lettering and characters are quite indistinct.

The object of the expedition was to obtain constructive possession of the Ohio country, and to perpetuate the evidence thereof by *procès verbaux* and

the deposit of memorial plates. This was done at the mouths of the principal rivers, by virtue of which sovereignty was claimed to the sources of their remotest tributaries.

Having already had for several years *pedis possessio* of the site of Fort Wayne, it was unnecessary for the French to go through the idle ceremony of depositing a leaden plate in the soil, and that they did not do so, the evidence from De Céloron's Journal is quite conclusive.

O. H. MARSHALL.

Buffalo, N. Y.

MONTCALM'S SKULL (II, 369).—Within the precincts of the chapel of the Ursuline Convent at Quebec lie buried the remains of General Montcalm. A marble slab placed on the wall by Lord Aylmer in 1832, contains the following inscription: "Honneur à Montcalm! le destin en lui dérobant la Victoire, la récompensé par une mort glorieuse!"

In 1837, it being necessary to repair the wall, an aged nun, Sister Dubé, who had as a child attended the funeral, pointed out the grave of Montcalm. The skeleton was found and the skull placed in custody of the chaplain.

QUEBEC.

SUGAR REFINING (II, 369).—The art of sugar refining was first practiced in New York city. In the early settlement the colonists were content with Muscovada, brown or earthed sugars of West India manufacture; refined sugar was a luxury of later date. Archibald Kennedy, collector of the port of New York, in a report to the Lords of Trade, January 18, 1737, makes the following state-

ment: "From the year 1730 sugar baking and its refining have been for home consumption and transportation hence to other districts on the continent, and to the West Indies, and latterly the distilling of rum and other spirits; for these only are two houses erected."

The priority of the manufacture of rum from molasses in Massachusetts was probably the foundation of the erroneous statement referred to by your correspondent.

REFINER.

BOOKS WANTED.

We beg to inform our subscribers that hereafter we shall devote so much of this column as may be necessary to a department of BOOKS WANTED. Through this medium collectors will be enabled to communicate with each other, and thus perhaps acquire books for which they have sought elsewhere in vain, or dispose of books for which they may have no further use. Collectors desiring to avail themselves of this column will please give their addresses in full, so that those who wish to communicate with them can do so directly, and not through us.

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(Publishers of Historical Works wishing Notices, will address the Editor, with Copies, Box 100, Station D—N. Y. Post office.)

PENNSYLVANIA ARCHIVES—SECOND SERIES. Published under direction of MATTHEWS S. QUAY, Secretary of the Commonwealth. Edited by JOHN B. LINN and WM. H. EGLE, M. D. Vol. VI. 8vo, pp. 846. LANE S. HART, Harrisburg. 1877.

This continuation of valuable documents is entirely devoted to "Papers relating to the French occupation in Western Pennsylvania," among which we find abstracts and memoirs on the encroachments of the English on the territory claimed by France; the condition of the Indians and their manners and customs; official correspondence of the French authorities in the colonies and the Home Ministry; the English Governors and the Boards of Trade, etc. These are followed by a series of papers relating exclusively to the establishment at Presqu' Isle in 1794, comprising the correspondence of the post officers with the War Department at Washington.

PROCEEDINGS OF THE WORCESTER SOCIETY OF ANTIQUITY FOR THE YEAR 1877. Together with Inscriptions from the Old Burial Grounds in Worcester, Massachusetts, from 1727 to 1859. With Biographical and Historical Notes. 8vo, pp. 124. Published by the Society. Worcester, Mass. 1878.

The Worcester Society has done good service in this publication. It is the peculiar province of local societies to preserve these inscriptions, which are of inestimable value, not only as aids to historical accuracy, but viewed as statistics alone. The inscriptions are in this volume alphabetically arranged.

A CENTENNIAL HISTORICAL SKETCH OF THE TOWN OF NEW LONDON. By W. H. STARR, Secretary of the New London County Historical Society. 8vo, pp. 96. Power Press of GEORGE E. STARR. New London, 1876.

This is another of the memoirs called out by proclamation of President Grant. The site of this ancient town was wrested from the Pequots in 1637 by John Winthrop the younger, who led the little band which settled at Saybrook Point two years previously, and is justly distinguished as the founder of New London. The history of this plantation and of the town which sprung up on it has been admirably written by Miss

Caulkins, whose work is the text-book on the subject, and Mr. Starr has found but little new material to garner; but in the pages of the little volume before us the reader will find a careful and well digested condensation of all the information of importance in the history of New London.

A SKETCH-BOOK OF THE AMERICAN EPISCOPATE. By the Rev. HERMON GRISWOLD BATTERSON, D.D. 8vo, pp. 322. J. B. LIPPINCOTT & Co., Philadelphia. 1878.

In this volume those interested in the growth of the American Episcopate will find biographical sketches of 116 Bishops, of whom the first was the Right Rev. Samuel Seabury, D.D., and the last Right Reverend William Stevens Perry, S. T. D., LL. D. The volume opens with some papers relative to the Episcopate in Scotland, showing the succession from Canterbury to Connecticut, and some papers relative to the consecration of Bishops White and Provoost. At the close is an account of the church in Hayti, and of the consecration of the Rev. James Theodore Holly, its first Bishop. At the close is an appendix, giving a list of clergymen elected to the Episcopate who never assumed the office.

WITTY SAYINGS BY WITTY PEOPLE. By WM. H. BROWNE, A. M. 12mo, pp. 304. F. W. ROBINSON & Co., Philadelphia. 1878.

This is an extremely odd collection of Bulls, Puns, Retorts, Epigrams, Aphorisms, Jests, Anecdotes, Epitaphs, and Conundrums, selected from sources old and new, wherein we find an occasional Joe Miller and many Josh Billingses, and familiar clippings from the Detroit Free Press, Burlington Hawk Eye, and other repositories of American humor.

MEXICO AS IT IS. BEING NOTES OF A RECENT TOUR IN THAT COUNTRY. With some practical information for travelers in that direction, as also some study of the church question. By ALBERT ZABRISKIE GRAY. 12mo, pp. 148. E. P. DUTTON & COMPANY, New York. 1878.

A part of this little volume first appeared in the form of letters to the Hartford Churchman. It is a record of personal experience in this most quaint and picturesque of countries, where life still retains some of the characteristics of feudal days, with its fortified towns, its long cavalcades and varied costumes rich in warm coloring.

Here and there are interspersed reflections upon the antiquities of the country, and at the close we find a chapter on the church, and an account of the organization of a Reformed Church by Dr. Riley in 1869.

THE SUFFOLK BANK. BY D. R. WHIT-

NEY, President of the Suffolk National Bank. 8vo, pp. 73. Printed at the Riverside Press for private distribution. Cambridge, 1878.

Here may be found a thorough and concise history of the Suffolk Bank, and the system of note redemption which, forced upon New England by this autocratic institution, conferred unquestionable benefits upon the currency of New England, and did perhaps more than anything else to extend its volume, and to push it beyond the limits of the Eastern States to the great advantage of the banking people. The National Bank Act has changed all this, and made the bank currency of the country homogeneous. The tendency of the finances of the country, however, seems to be to restrict bank issues and leave to Government one of its highest functions, the issuing of such limited paper currency as can be maintained on a par with coin, the only real money. The volume is an excellent contribution to financial history.

MEMOIR OF WILLIAM FRANCIS BART-

LETT. By FRANCIS WINTHROP PALFREY. 309. HOUGHTON, OSGOOD, & Co., Boston. 1878.

When the civil war broke out the young gentleman, whose memoir is here given, was a Junior Sophister of Harvard College. He immediately joined the militia, and was one of the volunteer battalion which garrisoned the forts in the harbor, under the gallant Stevenson, who fell at Spottsylvania. In June, 1861, when Colonel Lee was authorized to raise the Twentieth Regiment of Massachusetts volunteer infantry, he offered the post of Lieutenant-Colonel to Mr. Palfrey, the author of these pages, and that of Adjutant to Mr. Bartlett. This is not the place to give a sketch of the services of these officers. The value of the volume is to be found in its recital of daily experience in the form of extracts from a diary kept on the march and letters home from camp. When the Banks expedition moved to New Orleans Col. Bartlett took the Forty-ninth Massachusetts as Colonel. In 1864 he was promoted Brigadier-General, and assigned to the First Brigade of Leslie's division, Ninth Army Corps, and was captured at the fiasco mine explosion in 1864. After the peace he was tendered the post of Lieutenant-Governor by the Democratic Convention, and of Governor by the managers of the Republican party, but

declined both proposals. He died on the 12th December, 1876. He is described as a man of courteous manners and of magnetic personal influence over his followers. Governor Andrew pronounced him the most conspicuous soldier of Massachusetts in the department of the Gulf, and his biographer styles him the most conspicuous that Massachusetts sent to the field. This is high praise.

OLD ENGLAND: ITS SCENERY, ART,

AND PEOPLE. By JAMES M. HOPPIN, Professor in Yale College. 16mo, pp. 498. HOUGHTON, OSGOOD & Co., Boston. 1878.

This is the fifth edition of a sketchy and readable account of a visit to the old country, which included a tour from Tweedmouth to Land's End, with particular stress upon the cathedral towns, which are the peculiar glory of the Island, and some useful and entertaining hints upon the history and progress of English architecture. The reader will find a strong contrast with the keen incisive manner in which Taine, in his recent notes on England, dissects and analyses the character of the British people. Most interesting is an account of a visit to Haworth, the home of Charlotte Bronte; but the form which graced and the spirit which vivified it was no longer there. The traveler will find this volume an admirable companion. He who will carry it will not be subject to Voltaire's sarcasm—that there are travelers who journey like their trunks.

HEART THROBS OF GIFTED AUTH-

ORS, compiled by WM. H. BROWNE, A. M. 12mo, pp. 304. F. W. ROBINSON & Co., Philadelphia. 1878.

An admirable collection of quotations in prose and verse, divided under the several heads of Youth, Beauty, Love, Manners, Man, Woman, Age and Death. An excellent little book, well printed and on good paper.

SKETCH OF THE LIFE, CHARACTER

AND PUBLIC SERVICES OF OLIVER P. MORTON. Prepared for the Indianapolis *Journal* by CHARLES M. WALKER. 8vo, pp. 191. Published by the Indianapolis *Journal*, Indianapolis. 1878.

Whatever differences of opinion there may be as to the qualities Governor Morton displayed as a political and party leader, there can be none as to the remarkable nature of the services he rendered during the war, which alone justify the appellation bestowed upon him by the writer of this little sketch, of "Indiana's greatest

son." Morton was a self-made man; such small advantage of college education as he had being obtained by his own exertions. Under the various calls for troops made between 1861 and 1865, Governor Morton sent to the field 208,367 men, every call being promptly and fully met. Of the many war Governors the record of none is brighter than that of Morton, and no State excelled Indiana in cheerful and patriotic alacrity.

CURRENT DISCUSSION. A COLLECTION FROM THE CHIEF ENGLISH ESSAYS ON QUESTIONS OF THE TIME. Edited by EDWARD L. BURLINGAME. Vol. I. International Politics. 8vo, pp. 368. G. P. PUTNAM'S SONS, New York. 1878.

Mr. Burlingame has done good service in collecting and publishing together the chief articles which have recently appeared on subjects of immediate interest. This, the first of the series, admirably printed and in most convenient form, is made up of nine articles from such pens as those of Gladstone, Goldwin Smith, Freeman, &c., on the international questions of the day; the Turkey, Montenegro and Russia imbroglio; the future of Egypt; the political destiny of Canada. Volume second will contain papers by Frederick Harrison, Huxley, Mallock and others on Questions of Belief.

THE CENTENNIAL CELEBRATION OF THE WEDNESDAY EVENING CLUB. Instituted June 21, 1777. 8vo, pp. 145. Press of JOHN WILSON & SON, Boston. 1878.

An elegant little volume, giving an account of this celebrated social organization which was founded a century ago. It was formed of representatives from the different professions and departments of life, so limited in number that the whole roll for a century only contains one hundred and seven names. There are here a few sketches of some of the prominent members. The subject is local, and the general reader will not find much of interest or amusement in its pages.

MEMOIR OF ROBERT PARKER PARROTT. By FREDERIC DE PEYSTER, LL. D., F. R. H. S. 8vo, pp. 16. (Privately printed.) New York, 1878.

This interesting little memoir, from the pen of the distinguished President of the New York Historical Society, will be gratefully received by the countless friends and admirers of this military officer, whose name is of world wide fame

as the inventor of the "Parrott gun." Mr. Parrott was born in New Hampshire in 1804, was graduated from West Point third in honor in 1824, was Assistant Professor and Professor at the Military Academy from 1824 to 1829, and engaged on ordnance duty till 1836, after which he was assigned to the West Point Foundry, located at Cold Springs, then under the direction of Mr. Gouverneur Kemble. Here he made the experimental trials which resulted in the famous rifled gun which bears his name. He died on the 24th December, 1877.

SOUTHERN HISTORICAL SOCIETY PAPERS. May, 1878. Edited by Rev. J. WILLIAM JONES, D.D., Richmond, Va.

The May number contains an explanation and correction by Colonel Walter H. Taylor of his former article on the numerical strength of the armies of Gettysburgh, and an article on Grant as a soldier and civilian by General Dabney H. Maury, in which charges are made against Secretary Stanton of the gravest character, on what is said to be "unquestionable authority." The unquestionable authority is not, however, given, and the statement is, therefore, not worth repetition.

We learn that Major Walthall, whose recital of the incidents attending the capture of Jefferson Davis was noticed in our May number, takes exception to the manner of that notice. The article was generally reviewed and the author not named.

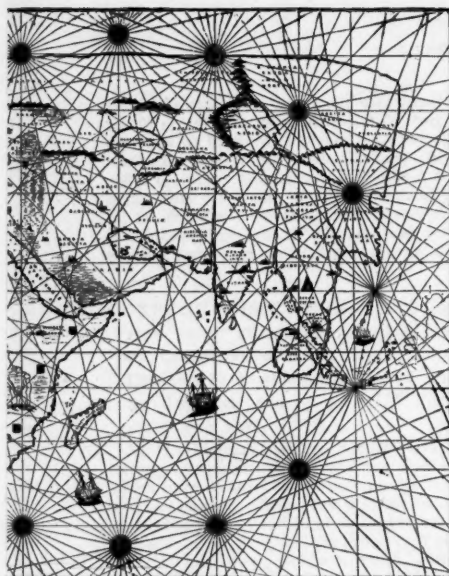
General James H. Wilson, in an account of this affair in the Philadelphia Times, published in 1877, said, "*It will be seen that Davis did not actually have on crinoline or petticoat, but there is no doubt whatever that he sought to avoid capture by assuming the dress of a woman.*" This we take to be the true story, and these words were quoted without ascription of authorship in our May review.

Major Walthall, in his criticism of General Wilson's assertion, uses the following words: (S. H. Soc. Papers, p. 110.) "*As we have said, the President was fully dressed. He hastily took leave of his wife, who threw over his shoulders a water-proof cloak or wrapper, either as a protection from the dampness of the early morning, or in the hope that it might serve as a partial disguise, or perhaps with woman's ready and rapid thoughtfulness of its possible use for both these purposes. Mr. Davis also directed a female servant, who was present, to take an empty bucket and accompany him in the direction of the spring.*"

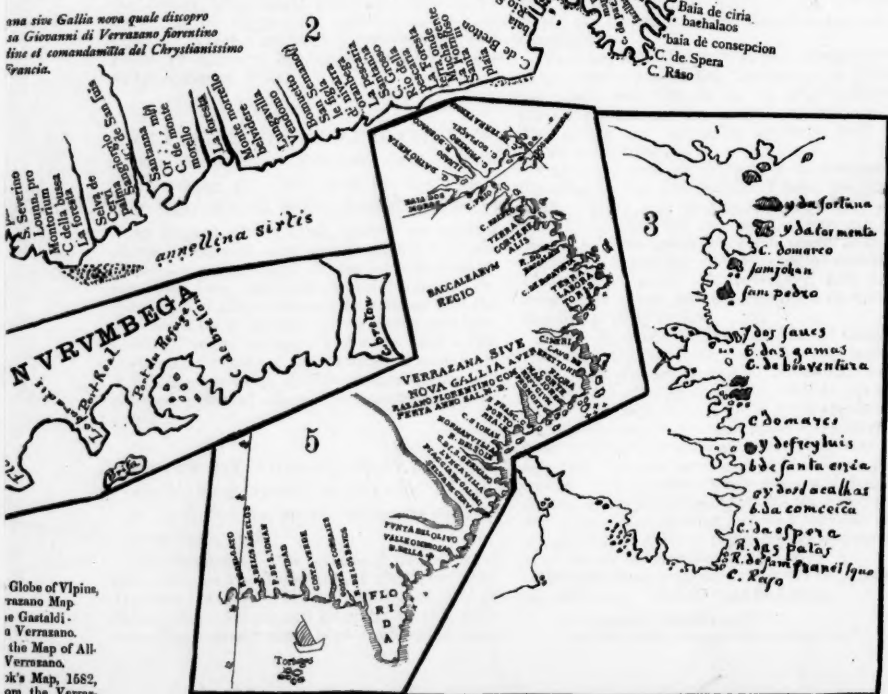
Between these statements there is no substantial difference. He that can find one,

"—could distinguish and divide
A hair, 'twixt south and south-west side,"

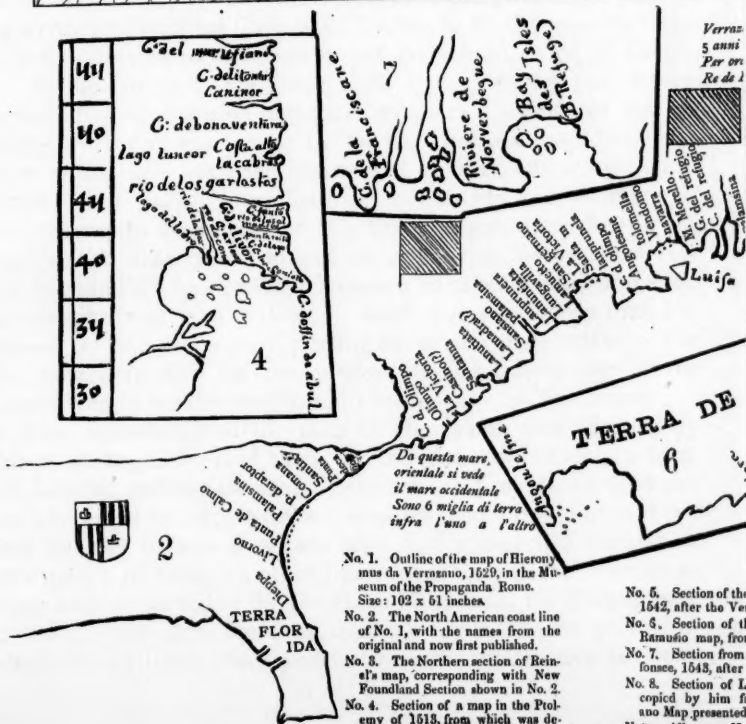
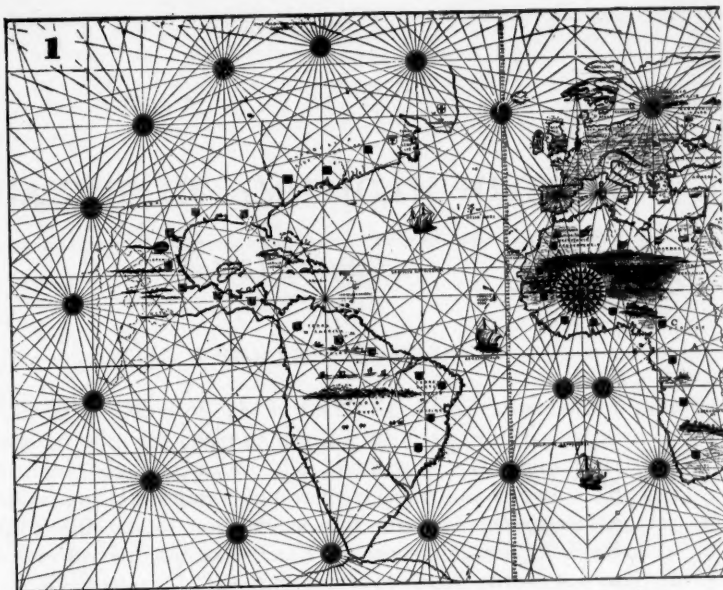




una sive Gallia nova quale discopri
za Giovanni di Verrazano fiorentino
line et comandamita del Chrystianissimo
Francie.



Globe of Vlpins,
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the Map of All-
Verrazano.
k's Map, 1682,
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to Henry VIII.
1, are shown en
of the original.



No. 1. Outline of the map of Hieronymus de Verrazano, 1629, in the Museum of the Propaganda Rome. Size: 102 x 61 inches.

No. 2. The North American coast line of No. 1, with the names from the original and now first published.

No. 3. The Northern section of Rein's map, corresponding with New Foundland Section shown in No. 2.

No. 4. Section of a map in the Ptolemy of 1613, from which was derived the outline and several names for the Florida Section in No. 2.

No. 5. Section of the 1642, after the Verrazano.

No. 6. Section of the Ramusio map, from 1542, after the Verrazano.

No. 7. Section of the Ramusio map, from 1542, after the Verrazano.

No. 8. Section of the Ramusio map, from 1542, after the Verrazano. Note. All except No. 8 are on a scale one fourth.